

THE  
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HITOTSUBASHI UNIVERSITY

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# THE ANNALS OF THE HITOTSUBASHI ACADEMY

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MR. SPECTATOR AS AN ECONOMIST<sup>1</sup>

A Social Study of English Literature  
in the Augustan Age

By TATSUNOSUKE UEDA

*Professor of the History of Economics and Social Thought*

## I

After a lapse of nearly a century following two historic events of the deepest cultural significance—the publication of the Authorized Version of the English Bible and the death of William Shakespeare—and close upon a period of unprecedented upheavals and their aftermath, out of all which emerged modern democratic and middle-class England, we greet, at the threshold of the eighteenth century, the arrival of an era known as the Augustan Age. This was the age of Swift, Defoe and Pope, as well as of Addison and Steele, who wrote, all of them, brilliantly in the reign of Queen Anne. It prospered in the first bloom of the British Commonwealth, the union of Scotland with England taking place in the sixth year of the same reign. Economically, no less than politically, England's star was steadily ascending, and it may be well to remember that the turbulence of the previous century had put no obstacle to her expansion as a wealthy and

<sup>1</sup> This article forms a part of my larger work on the social and economic aspects of English literature in the Augustan age, which is an outgrowth of my study of Mandeville's *Fable of the Bees*, published, with a Japanese translation and explanatory chapters, in 1948.

powerful nation in world commerce. Mercantilism still prevailed, whole and mighty; England's treasure was being rapidly increased by "Forraign Trade." We may say, therefore, that the age was golden for England not only in her literature, but also, in a real sense, in various aspects of her national economy. A simultaneous flowering of the one by the side of the other is no rare phenomenon in history, whether of the West or the East.<sup>2</sup>

Interest in "this England" has made me turn, with the curiosity of an economic historian, to some representative works of the Augustan age and among others, to the *Spectator* of Addison and Steele, in which we find a form of literature, characteristic of that age and in its temper a thoroughly English—shall we say?—as the Fabian Society of our own day.<sup>3</sup> Somewhat in the form of a City newsletter written in essay style, it takes its colour and flavour from its milieu, the coffee-house, capturing, and commenting upon daily fluctuations in the mood of the Metropolis and thereby naturally throwing in no despicable amount of economic matter. It never loses the good humour of a refined citizen, neither pandering to the *beau monde* nor pretending to any show of proletarian sympathies. It is a thoroughly common-sense, middle-of-the-road, spokesman of the contemporary English upper middle class, the class now gradually coming into its own and destined to rule England as the century marches on. Is there anything quixotic in a student of economics trying to glean from the wealth of this repository some data of value for his own province?

But before going farther a word about the title of this paper: *Mr*

<sup>2</sup> The magnificence of the Augustan age and its enduring achievements is described in masterly fashion by Lytton Strachey in his *Biographical Essays*, London 1948, pp. 68—9:

"The great achievement of the Revolution and the splendid triumphs of Marlborough have brought to England freedom, power and wealth, and that sense of high exhilaration which springs from victory and self-confidence.....There was a great outburst of intellectual activity and aesthetic energy. The amazing discoveries of Newton seemed to open out boundless possibilities of speculation; and in the meantime the great nobles were building palaces and reviving the magnificence of the Augustan Age, while men of letters filled the offices of State. Never, perhaps, before or since, has England been so thoroughly English; never have the national qualities of solidity and sense, independence of judgment and idiosyncrasy of temperament received a more forcible and complete expression..... Nor was it only in the high places of the nation's consciousness that these signs were manifest; they were visible everywhere, to every stroller through the London streets—in the Royal Exchange, where all the world came crowding to pour its gold into English purses, in the Meeting Houses of the Quakers.....and in the taverns of Cheapside, where the brawny fellow-countrymen of Newton and Shakespeare sat, in a impenetrable silence, over their English beef and English beer."

<sup>3</sup> The Englishry of the *Spectator* accounts for its inimitability for its admirers in continental Europe who endeavoured without much success to reproduce it for their different reading publics. For the *Nouveau Spectateur Français* and the *Hollandsche Spectator* I may refer the reader to the scholarly work of W. J. B. Pienaar on the *English Influences in Dutch Literature and Justus Van Effen as Intermediary—an Aspect of Eighteenth Century Achievement*, Cambridge, at the University Press, 1929.



*tator as an Economist.* Of course, nothing is so repugnant to Mr. Spectator's turn of mind as to pose as a specialist in any line of speculation, to use his own picturesque phrase, as a "state-pedant," a "law-pedant," a "book-pedant" or a pedant of any sort whatever. In that sense, Mr. Spectator is no economist at all, least of all one of the subtle theoretical variety. But there is another sense in which he is very much an economist, namely the eighteenth century sense of this word.<sup>4</sup> Suppose, therefore,

Spectator himself were to read the title of this paper, would he think of himself treated as an economic scientist as we understand him today? No, it is unlikely, for "Economist" to him is not the name of a profession, but a description of a personal trait or ability, or to be precise, dexterity in the management of household affairs. An Economist, therefore, in a person possessed of "the skill of the purse," as Mr. Spectator himself simply puts it, and by extension, all those who know how to make the most of their own (or other people's) goods or money may be called good economists. Besides, the economy of whose art such a person is a master might be of the widest variety conceivable, so that it was and still is possible to peak, at one end, of the economy of the universe and at the other, of the economy of dress or of a hat, not to mention private or public (political) economy. An economist, then, in this practical and comprehensive sense, Mr. Spectator certainly is, though one of a spectatorial kind. So much for the title of the paper; the rest will develop as my story proceeds.

Why, it may be asked, did Mr. Spectator take so much interest in

An eighteenth-century lexicographer, N. Bailey, author of *An Universal Etymological English Dictionary*, first published in 1721, and the eleventh edition of which appeared in 1745, gives us a now curious definition of the word "Economicks," viz. "A Part of Moral Philosophy, which treats of the management of Passions." But he defines an "Economist" in the orthodox manner as "one who governs or rules a Family, a Steward." Adam Smith means by "Oeconomists" either the French Physiocrats or the kind of persons here described, as e. g. in "If he (*scil.* a great proprietor) was an *economist*, he generally found more profitable to employ his annual savings in new purchases, than in the improvement of old estate" (*Wealth of Nations*, Bk. III, § 2). His definition of "Political Oeconomy" is clear and distinct: "Political oeconomy, considered as a branch of the science of a statesman or legislator, proposes two distinct objects; first, to provide a plentiful revenue or subsistence for the people, or more properly to enable them to provide such a revenue or subsistence for themselves; and secondly, to supply the state or commonwealth with a revenue sufficient for public services. It proposes to enrich both the people and the sovereign." (Bk. IV, Introduction.) I am quoting from the first edition.) Incidentally it may be noted here that the word "economy" and its derivatives are spelt with an initial "oe" up to the ninth edition of *Wealth of Nations*, published in 1799, and that in the subsequent London or Edinburgh editions of 1806, 1811, 1817, 1828, etc., a simple "e" substitutes the "oe." In the same way Lord Burke writing in the first (1790) edition of his *Reflections on the Revolution in France*: "at the age of chivalry is gone. That of sophisters, *oeconomists* and calculators, has succeeded" or, "Mr. Necker's book.....contains.....facts relative to public *oeconomy*." A new definition of the word "economist" is "economician," presumably a portmanteau word for economic technician." Cf. "there has been much argument between the more reasonable economists, *economicians*, and political philosophers on both sides on this point." (McLaren, *Scots*, 1951, p. 243)

"Economy" or "economical matters"? How is his keen sense of them to be accounted for? This I think is to be explained in two ways, first with reference to his time and circumstances, and second, to his own character. To take the first point first, his unique periodical made its first appearance in London in 1711, as successor to the *Tatler*, also of Steele and Addison, and continued to exist, with an intermission of nearly a year and a half followed by an important change in editorship, until towards the end of 1714. It thus lived long enough to report and speculate on the death of Queen Anne, so that we may say it is as Augustan as any contemporary work of literature could aspire to be, both in its chronology and in the testimony it bears to the glories of the age,<sup>5</sup> among which commerce and trade are not the least considerable. Significantly enough, G. M. Trevelyan characterizes "the Golden Age of Anne" as "Defoe's England,"<sup>6</sup> what that implies is easily imaginable from the fact that Defoe was the author of *A Plan of the English Commerce* and *The Compleat English Tradesman*, not to mention a host of tracts and pamphlets of an economic character. Let Mr. Spectator explain it in his own way.

There is no Place in Town which I so much love to frequent as the *Royal Exchange*. It gives me a secret Satisfaction, and in some measure, gratifies my Vanity, as I am an *Englishman*, to see so rich an Assembly of Country-men and Foreigners consulting together on the private Business of Mankind, and making this Metropolis a kind of *Emporium* for the whole Earth. (*Spectator* No. 68)

And he closes this well-known essay by saying,—

When I have been up on the 'Change, I have often fancied one of our old Kings standing in Person, where he is represented in Effigy, and looking down upon the wealthy Concourse of People with which that Place is every Day filled. In this Case, how would he be surprized to hear all the Languages of *Europe* spoken in this little Spot of his former Dominions, and to see so many private Men, who in his Time would have been the Vassals of some powerful Baron, Negotiating like Princes for greater Sums of Money than were formerly to be met with in the Royal Treasury. Trade, without enlarging the *British Territories*, has given us a kind of additional Empire. (*ibid.*)

<sup>5</sup> See *Spectator* No. 101 in which occurs the following:

"I cannot forbear entertaining my self very often with the Idea of such an imaginary Historian (*scil.* an impartial and unprejudiced historian not writing *recentibus odiis*) describing the Reign of ANNE the First, and introducing it with a Preface to his Reader, that he is now entering upon the most shining Part of the *English Story*.....Among the several Persons that flourish in this Glorious Reign, there is no Question but such a future Historian as the Person of whom I am speaking, will make mention of the Men of Genius and Learning, who have now any Figure in the *British Nation*. For my own part, I often flatter myself with the honourable Mention which will then be made of me; and have drawn up a Paragraph in my own Imagination, that I fancy will not be altogether unlike what will be found in some Page or other of this Imaginary Historian. It was under this Reign, says he, that the SPECTATOR Published those little Diurnal Essays which are still extant....."

<sup>6</sup> Trevelyan, *English Social History*, 1942, §x and also the same author's *Illustrated English Social History*, Vol. III, § 1.



Such an England has for her support the principle of freedom in its manifold aspects—religious, political, economic—which she had lately achieved and was now developing.<sup>7</sup> “The England so ordered,” writes Trevelyan, “was prosperous and in the main contented even in time of war, partly owing to good harvests and cheap food in the first half of Anne’s reign. Only during the last three years of a decade of hostilities with France (1702—1712) were there signs of distress and discontent due to war conditions. Otherwise industry, agriculture and commerce all continued to expand; *society moved forward unconsciously towards the Industrial Revolution*, which grew in the next hundred years out of the conditions described by Defoe.”<sup>8</sup> It was, then, in the early dawn of England’s Industrial Revolution that Mr. Spectator lived and moved and speculated. As an economist, therefore, I would place him, in the order of historical development, between, say, Josiah Child, the seventeenth century mercantilist, and Adam Smith of the later eighteenth century who, in spite of his predominant liberalism, still had some use for certain mercantilistic measures.

Now for Mr. Spectator as my *dramatis persona*. As a matter of fact, he did not represent a single personality but several, Addison and Steele being, of course, the most prominent. The Spectatorial dignity was assumed also by such well-informed men as Eustace Budgell (1686—1737), Henry Martyn (d. 1721), Ambrose Phillips (1675?—1749), Thomas Tickell (1686—1740) and others. Besides this “collective” or “composite” Mr. Spectator there was a wide public of interested readers who frequently wrote letters to “Dear Spec.” on a most entertaining variety of current and other topics. Among these voluntary contributors was Peter Motteux, a striking figure in the literary circles of the day. The question now is, “What is there in the social backgrounds of all these writers that may be supposed to have made ‘oeconomists’ of them in one way or another?” I shall briefly discuss this question.<sup>9</sup>

First of all, let me consider the interesting fact referred to by Strachey in his paragraph already quoted, namely that many of the prominent literary

<sup>7</sup> Defoe mentions as the three essentials of a happy people:

1. To be Uniform in orthodox Principles of Religion, adhering strictly to the common Faith.  
2. To be established on one and the same Foundation of Right and Property, Loyalty and Subjection.

3. To be flourishing and prosperous, in just Measures, for Encouragement of Commerce, etc. (*On the Compleat Tradesman*, in *Fog’s Journal*, Jan. 11, 1729, reprinted in Lee, *Daniel Defoe, His Life and Recently Discovered Writings*, Vol. II, p. 496) Defoe, being a dissenter, cannot mean by the first “essential” any negation of religious freedom, though he strongly objects to Deism and such-like “atheistical” principles.

<sup>8</sup> *Illustrated English Social History*, p. 2.

<sup>9</sup> I can foresee the objection that may possibly be raised to my treatment of all the members of the Spectator group as a single Mr. Spectator. My answer is that since all of them are making a conscious effort to pool their respective individualities in the common character of Mr. Spectator, conforming, as far as possible, to the same standard of thought and conduct and even of singularities, my “Mr. Spectator” is a unified personality, far more real than the avowedly fictitious “juridic person” lawyers invent for a company or corporation. To me Mr. Spectator is the whole eight volumes of his personified.

men of the Augustan Age were also statesmen and holders of public offices. Their connections naturally gave them opportunities for knowing the world of realities at first hand and in not a few cases, made them conversant with matters of high policy concerning commerce and economics.<sup>10</sup> This can be said particularly of Addison and his group, Addison himself, as Lord of Trade and Secretary of State, achieving the highest social distinction of any man of letters at that time,<sup>11</sup> Steele held offices such as Commissioner of the Stamp Office, Surveyor of the Royal Stables at Hampton Court, Governor of the Royal Company of Comedians and Commissioner of Forfeited Estates in Scotland. He had a seat in the House of Commons and made a significant speech at the time of the South Sea Bubble controversy. Tickell who "was not one of those scholars who wear away their lives in closets"<sup>12</sup> was Under-Secretary of State and Secretary to the Lords Justices of Ireland. Budgell who was a cousin of Addison had a number of offices through his aid. John Hughes became, in 1717, Secretary to the Commissioners of the Peace and eventually enjoyed affluence.<sup>13</sup>

This roughly is a glimpse of Mr. Spectator as a holder of public offices. There were a number of other people who, if not always as Mr. Spectator, at least as valuable contributors wrote on topics of commercial, or broadly economic, interest. Among these, the two who specially interest me and excite my curiosity, are Henry-Martyn and Peter Motteux. Martyn is believed to have furnished the *Spectator* with the model of one of its most important characters, Sir Andrew Freeport, champion of commerce and merchants.<sup>14</sup> It is also supposed that some of the unsigned essays discussing economic matters actually came from his pen. Of him the *Dictionary of National Biography* records, in part:

He was a lawyer by profession, but in consequence of bad health was unable to attend the courts. He wrote a few papers in the 'Spectator' and

<sup>10</sup> Thackeray in his *English Humourists of the Eighteenth Century* writes: "How was it that the young gentlemen from the University got such a prodigious number of places? A lad composed a neat copy of verses at Christchurch or Trinity, in which the death of a great personage was bemoaned, the French King assailed, the Dutch Prince complimented, or the reverse; and the party in power was presently to provide for the young poet; and a commissionership, or a post in the Stamps, or the secretaryship of an Embassy, or a clerkship in the Treasury, came into the bard's possession. A wonderful fruitbearing rod was that of Busby's. What have men of letters got in *our* time? Think, not only of Swift, a king fit to rule in any time or empire—but Addison, Prior, Tickell, Congreve, John Gay, John Dennis, and many others, who got public employment, and pretty little pickings out of the public purse." (*Op. cit.* Everyman's Library, p 48.)

<sup>11</sup> Macaulay gives a good sociological reason for Addison's success in the world by attributing his rise to the technique of parliamentary communication in the pamphleteering age. Addison was not much of an orator, but, *was* a lucid and polished writer of the first order. (See Macaulay's essay on Addison.)

<sup>12</sup> <sup>13</sup> Cf. Samuel Johnson, *Lives of the English Poets*, under respective names.

<sup>14</sup> "Supposed by Chalmers to have been the model of Sir Andrew Freeport, etc." Bibliographical Index to the *Spectator*, Ev. Lib.



the 'Guardian.' No. 80 is undoubtedly his, and possibly No. 200 and 232. In No. 500 Steele acknowledges his indebtedness to him. He says that Martyn's name could hardly be mentioned in a list in which it would not deserve precedence; and in an ensuing list gives it precedence over Pope, Hughes, Carey, Tickell, Parnell and Eusden.

In 1713 and 1714, during the controversy concerning the treaty of commerce made with France at the peace of Utrecht, when a number of leading merchants instituted a paper called 'The British Merchant, or Commerce Preserved,' to counteract the influence of Defoe's 'Mercator,' Martyn took a leading part in the enterprise, and it was in a great measure due to his papers in the 'British Merchant' that the treaty was ultimately rejected. As a reward he was made inspector general of imports and exports of customs by the government.<sup>15</sup>

This premier importance of Martyn in the Spectator group and his signal service to the Whig cause and to the interests of British commerce by his successful rivalry with Daniel Defoe, then in the employ of Oxford, Lord Treasurer of the Tory Government,<sup>16</sup> are among the most valuable data in support of my thesis: Mr. Spectator as an Economist. It must be a revelation to Japanese students of either Economics or of English Literature to know that in England the fate of a momentous international commercial treaty was once decided by a controversy between two prominent men of letters of the Augustan Age—Defoe and Mr. Spectator, or Henry Matyn the essayist in this case.

As regards Peter Motteux, remembered chiefly as an English translator of Rabelais and *Don Quixote*, he was singular even among the club of men noted for their singularities. He was, in the first place, a naturalized Englishman like Bernard Mandeville, and also like Mandeville, established for himself a place in the republic of English letters, a place honoured by Dryden with an epistle, *To Mr. Motteux*, ending thus:

But whence art thou inspired, and thou alone,  
To flourish in an idiom not thy own?  
It moves our wonder, that a foreign guest  
Should over-match the most, and match the best.  
In under-praising thy deserts, I wrong;  
Here find the first deficiency of our tongue:  
Words, once my stock, are wanting, to commend  
So great a poet and so good a friend.

Pope, too, took notice of him, though in a light quite different from Dryden.

<sup>15</sup> Written by A. E. J. L. (Arthur Edward John Legge) in D. N. B.

<sup>16</sup> This question viewed from Defoe's side is discussed by William Lee in his *Daniel Defoe, His Life and Recently Discovered Writings*, Vol. I, p. 214 *et seq.* He defends Defoe by calling him "the first and foremost advocate of Free Trade." L. S. (Leslie Stephen) in D. N. B. thinks, however, that Defoe "accepted the ordinary theory of the time, and only endeavoured to prove that the balance of trade would be in favour of England under the proposed arrangement."

But leaving it to the *Cambridge History of English Literature*<sup>17</sup> and other learned treatises to pass judgment upon the literary merits or demerits of Peter Motteux<sup>18</sup> I must go on to the French-born poet's second point of singularity which concerns my subject still more closely. Motteux, in his later life, turned an honest tradesman, and sold China and Japan wares 'cheap for a quick return.' He had composed a poem on tea and dedicated it to Steele who in the *Spectator* writes about a visit to his spacious warehouses filled and adorned with tea, China and Indian ware.<sup>19</sup> Motteux himself advertizes his new trade in a letter to the *Spectator* (No. 288) in which we read:

Placed as I am in *Leaden-hall-street*, near the *India-Company*, and the Centre of that Trade, Thanks to my fair Customers, my Warehouse is graced as well as the Benefit Days of my Plays and Operas; and the foreign Goods I sell seem no less acceptable than the foreign Books I translated, *Rabelais* and *Don Quixote*: This the Criticks allow me, and while they like my Wares they may dispraise my Writing. But as 'tis not so well known yet that I frequently cross the Seas of late, and speaking *Dutch* and *French*, besides other Languages, I have the Conveniency of buying and importing rich Brocades, *Dutch* Atlases, with Gold and Silver or without, and other foreign Silks of the newest Modes and best Fabricks, fine *Flanders* Lace, Linnens, and Pictures at the best Hand; this my new way of Trade I have fallen into, I cannot better publish than by an Application to you. My wares are fit only for such as your Readers; and I would beg of you to print this Address in your Paper, that those whose Minds you adorn may take the Ornaments for their Persons and Houses from me.

Then regarding himself, the correspondent has this to say:

This I hope will plead for one who would lessen the Number of Teazers of the Muses, and who, suiting his Spirit to his Circumstances, humbles the Poet to exalt the Citizen. Like a true Tradesman, I hardly ever look into any Book but those of Accompts. To say the Truth, I cannot, I think, give you a better Idea of my being a downright Man of Traffick, than by acknowledging I oftener read the Advertisements, than the Matter of even your Paper. I am under a great Temptation to take this Opportunity of admonishing other Writers to follow my Example, and trouble the Town no more.

The interesting point here is that the *Spectator* was considered a suitable medium for expression of such views as these, let alone the obvious advertisement value of so popular a periodical.

To wind up this part of my article, let me return for a brief moment

<sup>17</sup> "If he won the approval of Dryden and Steele, he was deemed worthy the rancour of Pope, who celebrates him as a bore, 'Talkers I've learned to bear, Motteux I *knew* and in *The Art of Sinking*, puts him among the eels, 'obscene authors that wrap themselves up in their own mud, but are mighty nimble and pert.'" —Charles Whibley in the *Cambridge History of English Literature*, Vol. IX, p. 271.

<sup>18</sup> See Whibley's article above quoted.

<sup>19</sup> *Spectator* No. 552.



to Addison and Steele who were *the Spectator*. I know that they both have admirers, and that the admirers of one are not always the admirers of the other, at any rate in the same degree. Macaulay, for instance, was an enthusiast for Addison but a severe critic of Steele, while Hazlitt preferred Steele to Addison without, however, detracting from the merit of Addison.<sup>21</sup> But this is a comparison between the two as essayists and as "Spectators." As to which of them contributed more Economics to their common medium, the question cannot be disposed of so summarily, because the kind of their contributions in this respect is not the same but quite different. My general impression is that Addison, if anything, likes to address himself to broad aspects of human nature or life and from them to discuss economic matters more or less in a didactic vein. He is thus inclined to be more of a moralist than a mere observer in these matters, and like a man of his official career, welfare, public or national, is the criterion of all his judgments, although his humour and flowing style save him from stiffening into a "stuffed shirt." Take, for example, his essays on Public Credit (No. 3), the Royal Exchange (No. 69), Sir Andrew Freeport's Retirement from Business (No. 549), the Art of Plantation (No. 583), Paper Manufacture (No. 367), and Wealth and Poverty (No. 464 and 646), among many others which are all masterpieces of English prose treating of economic subjects from a larger human point of view.

Steele, by comparison, impresses me as being much nearer an economist according to our modern conception; he is certainly a practical thinker on the subject while being at the same time a highly entertaining and skilful writer, an undoubted peer of Addison. His observations are shrewd and concrete and more in touch with the economic realities of his age than those of his chief partner. Incidentally it may be recalled here that Steele was

<sup>20</sup> *Spectator* No. 288.

<sup>21</sup> After a most enthusiastic praise of Addison as an essayist, Macaulay writes: "We say this of Addison alone; for Addison is the *Spectator*. About three sevenths of the work are his; and it is no exaggeration to say that his worst essay is as good as the best essay of any of his coadjutors." It is easy to see that in this statement Macaulay has in mind Steele whom he calls "a rake among scholars and a scholar among rakes." Then comparing Steele's periodical, the *Englishman* with Addison's eighth volume of the *Spectator*, he remarks, "Nothing can be more striking than the contrast between the *Englishman* and the eighth volume of the *Spectator*, between Steele without Addison and Addison without Steele. The *Englishman* is forgotten; the eighth volume of the *Spectator* contains, perhaps, the finest essays, both serious and playful, in the English language." (Macaulay, *The Life and Writings of Addison*, Edinburgh Review, July, 1843)

Hazlitt writes: "Steele seems to have gone into his closet chiefly to set down what he observed out of doors. Addison seems to have spent most of his time in his study, and to have spun out and wire-drawn the hints, which he borrowed from Steele, or took from nature, to the utmost. I am far from wishing to depreciate Addison's talents, but I am anxious to do justice to Steele, who was, I think, upon the whole, a less artificial and more original writer." William Hazlitt, *English Comic Writers*, Ev. Lib. p. 96.

projector enough to float the bubble scheme of a "fishpool" for conveying fish alive in tanks from the fishing ground to the London market. The initial attraction of his company was such that "£160 was paid as a premium before any call had been made."<sup>22</sup> Among his *Spectator* papers we find a considerable number of excellent and suggestive essays of economic import, such as those on Sir Andrew Freeport's View of the National Importance of Commerce (No. 2) and his Defence of Merchants against Sir Roger's Charge of Carthagian Faith (No. 174), the Story of Inkle and Yarico (No. 11), a City Romance or the Liberality of Merchants (No. 248) and its sequel, the Economics of "Ready-Money Trade" or Cash Sales (No. 526), Confessions of Ephraim Weed on his Love of Money (No. 450), Fear of Poverty Undermining Rural Economy (No. 114), etc. Steele is particularly interested in various social classes and his speculations on servants reveal a wealth of knowledge of one of the vexing problems of the day. His tracing of the chief cause of the trouble to the custom of giving board-wages to servants is a case in point. (No. 88) It will thus be seen that Steele's concern, on the whole, is more frequently with the private economy of merchants and other citizens than with economy of a public nature, which is Addison's favourite theme of discussion. Paraphrasing Hazlitt we may say that he is more of a pedestrian realist than "the silent parson in a tye-wig."<sup>23</sup> A homely observation like the following<sup>24</sup> may serve as an illustration of Steele's being a man of the world and a good judge of the temper of the times:

The other Day as I passed along the Street, I saw a sturdy Prentice-Boy Disputing with an Hackney-Coachman; and in an Instant, upon some word of Provocation, throw off his Hat and Perriwig, clench his Fist, and strike the Fellow a Cut on the Face; at the same time calling him Rascal, and telling him he was a Gentleman's Son. The young Gentleman was, it seems, bound to a Blacksmith; and the Debate arose about some Payment for some Work done about a Coach, near which they fought. His Master, during the Combat, was full of the Boy's Praises; and as he called to him to play with Hand and Foot, and throw in his Head, he made us all who stood

<sup>22</sup> W.R. Scott, *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies*, Vol. I, p. 418. This project gave occasion to Defoe's satirical article in *Mist's Journal*, Sept. 6, 1718, in which half banteringly and half seriously the author of *An Essay upon Projects* raises five objections to the fishpool scheme, saying that "it may starve all our Thames Fishermen, they can scarcely vend the live Fish they now take,—but if we bring Sturgeons, Mackrel, Soals, &c. alive, how are they likewise to sell their Barbels, Roach, and Gudgions?" "I am told," he also says, "that Sir Richard designs a Cargo of live Thames Salmon for a Present to the Emperor of China. If it should please his Gusto, and thence excite him to a Conquest of our Island, I'll say no more, (not being willing to meddle with Politicks) but that we shall have brought our Fish to a fine Market." (Lee, *op. cit.* Vol. II, p. 69) This is the second difference of opinion on economic questions that we have noted between Defoe and Mr. Spectator collectively considered.

<sup>23</sup> This is said to be Mandeville's jocular characterization of Addison after having passed an evening in his company. Johnson repeats it in his *Lives of the English Poets*, under Addison.

<sup>24</sup> *Spectator* No, 202.



round him of his Party, by declaring the Boy had very good Friends, and he could trust him with untold Gold.....The Advantages of his having good Friends, as his Master expressed it, was not lazily urged; but he shewed himself Superior to the Coachman in his Personal Qualities of Courage and Activity, to confirm that of his being well Allied, before his Birth was of any Service to him.

And Mr. Spectator's conclusion is important and obviously not without its economic consequences:

If one might Moralize from this silly Story, a Man wou'd say, that whatever advantages of Fortune, Birth, or any other Good, People possess above the rest of the World, they should shew collateral Eminence besides those Distinctions; or those Distinctions will avail only to keep up common Decencies and Ceremonies, and not to preserve a real place of Favour or Esteem in the Opinion and common Sense of their Fellow Creatures.

## II

A general survey of whatever economics may be squeezed out of the *Spectator* inevitably calls for attention to a number of its characteristic features or tendencies. With these I shall now deal at some length. There are four items which I should like to discuss in this connection: the essentially bourgeois nature of Mr. Spectator's economics, the influence of his classical scholarship on his economic speculations, Puritanism in relation to Mr. Spectator's economics, and comparison with Defoe and Mandeville.

Needless to say, Mr. Spectator is a Londoner and he is all wrapped up in the business of the Metropolis. That he is a great friend of Trade and Commerce and consequently of Merchants is already clear from what has been written above. He himself has "been taken for a Merchant upon the *Exchange* for above these ten Years, and sometimes passes for a *Jew* in the Assembly of Stock-Jobbers at *Jonathan's*."<sup>25</sup> In fact he feels himself so much of the City and so imbued with its pride that he once, though in a different capacity,<sup>26</sup> made a careful distinction between the citizen and his aberrations called "cits." Nothing brings into relief his frame of mind as a city man so well as the delightful series of papers which he wrote, as from the country estate of Sir Roger de Coverley. How he there rationalizes on the absurdity and wastefulness of many rural customs and institutions! His reflections on the busy idler of the village, Will Wimble and younger brothers of great families like him who, thinking trade beneath them, waste away their lives in the country, are pertinent and thought-provoking.<sup>27</sup> While

<sup>25</sup> *Spectator* No. 1.

<sup>26</sup> *Tatler* No. 25.

<sup>27</sup> *Spectator* No. 108.

professing a deep and impartial concern over conflicts between the trading and landed interests, he yet leaves the unmistakable impression that his heart is always with the former, rather than the latter; he allots, for one thing, much more space to trade than to landed interests. This tendency is unquestionably a corollary of Mr. Spectator's Whiggism, which, in his case, is a factor to be reckoned with as a mental background, rather than as a political platform.<sup>28</sup> A revealing essay from this point of view is his third paper describing a vision of public credit and which is a Whiggish allegory of the financial crisis following the Revolution. It begins with brief mention of Mr. Spectator's visit to the Bank of England<sup>29</sup> whose "just and regular economy" delights his soul; it then narrates the story of a dream he dreams that night in which he witnesses first the collapse, and then the revival, of public credit symbolized by a beautiful virgin seated on a throne of gold—collapse, by the invasion of "half a dozen of the most hideous phantoms" including that of a young man,<sup>30</sup> about twenty-two years old, menacing the Act of Settlement; and revival, because

In the Room of the frightful Spectres, there now enter'd a second Dance of Apparitions very agreeably matched together, and made up of very amiable Phantoms. The first Pair was Liberty with Monarchy at her right Hand: The second was Moderation leading in Religion; and the third a Person<sup>31</sup> whom I had never seen, with the genius of *Great Britain*. At their first Entrance the Lady revived, the Bags swell'd to their former Bulk, the Piles of Faggots and Heaps of Paper changed into Pyramids of Guineas.<sup>32</sup>

This is Whiggery in an undisguised form, hitched to the star of the Revolution principles.

The same spirit and thought tendency make Mr. Spectator confess that were he to choose his religion and the government he would live under, he would without hesitation give preference to those of his own country.<sup>33</sup> And as regards the form of government, the most reasonable, to

<sup>28</sup> "I never espoused any Party with Violence, and am resolved to observe an exact Neutrality between the Whigs and Tories, unless I shall be forced to declare myself by the Hostilities of either Side." (*Spectator* No. 1) He has numerous delightful pieces on excesses of the party spirit, e. g. *An Account of Party-Patches*. (No. 81)

<sup>29</sup> "Independents were the principal founders of the Bank of England.....To do business, State business, with such persons, and to visit them with penalties for their creed and discipline was an absurdity. Toleration was the necessary outcome of the new finance, as it was of the new political system. The landed interests hated them, but their hatred was impotent." J. E. Thorold Rogers, *The Economic Interpretation of History*, 1909, p. 86.

<sup>30</sup> Son of James II, the Old Pretender, who would repudiate the National Debt.

<sup>31</sup> The Elector of Hanover who became King George I of England in 1714.

<sup>32</sup> "The happy change from 'Heaps of Paper' to 'Pyramids of Guineas' has its historical original in Montagu's scheme for the restoration of the currency." *Spectator*, *Ev Lib.*, Vol. I, notes, p. 517. The Tories are said to have hated "commodious gold" and blessed paper credit.

<sup>33</sup> *Spectator* No. 287.



his mind, is that which is most conformable to the equality we find in human nature, "provided it be consistent with public Peace and Tranquility." He calls this Liberty, and among the fruits of liberty he counts riches and plenty, as well as learning and all the liberal arts. Well may he admire John Locke as a political thinker, and pay such deference to the poetry of Milton!

Another notable fact about the *Spectator* is that it was run by a group of University men. Even the character of the London merchant, Sir Andrew Freeport, is said to have been modelled upon Henry Martyn who had a high academic career, in seeming contradiction to the Spectatorial opinion that trade and commerce require no higher education, least of all, a university education. Thus we find a distinct note of classicism in Mr. Spectator as represented by Addison and Steele who are both eminent classical scholars, or by any important associate of theirs. He apparently delights in his editorial custom of introducing each day's paper with a pithy classical quotation, usually Latin and rarely Greek, as a sort of literary *hors d'oeuvre* to the main course of the essay. In the *Spectator*, more than in the *Tatler* and the *Guardian*, this bit of refined pedantry is so conspicuous that we hear occasional complaints of it from "not so classical" readers.

Quite naturally, Mr. Spectator's economics is richly flavoured with classical wisdom, which tends to make it, to that extent, didactic in character. If, in spite of that, he manages to reserve for himself a large margin of fresh and breezy humanity, the secret, or at least part of that secret, must lie in his predilection for Latin, rather than Greek, authors, and above all, for Horace and Virgil from both of whom come nearly half of the total 633 opening quotations. Next to them rank, as suppliers of mottoes, Juvenal and Ovid, followed by Cicero and other Latin writers. The Greek philosophers have contributed only a small number of these *hors d'oeuvre* delicacies, the reason given being that the Greek alphabet does not look very appetizing to Mr. Spectator's readers. Be that as it may, the predominance thus given to the Latin poets and Cicero is highly suggestive, because the mottoes taken from them set the tone and determine the drift of the essays commencing with them. They—particularly Horace, Virgil and Juvenal—have made for the ease and liveliness of many of his reflections and freed him from the stuffiness of pedantry. No English authors except Shakespeare and Bacon who, however, occur only a few times, are quoted for the purpose, nor, quite understandably, do we find any Biblical passage at the top of an essay.

Another thought suggests itself to me at this point. It may be that Mr. Spectator, being pre-eminently a man of action, feels drawn more towards Romans who were also men of action than towards Greeks who were thinkers and philosophers. His frequent appeal to the authority of

Cicero instead of the philosophy of Plato or Aristotle is probably to be explained in that light. Here, too, may be sought the key for understanding the difference between him and those writers on economic matters who likewise found their inspiration in classical thought, e. g. Thomas Aquinas before, and John Ruskin after, him. The classical sources drawn upon are, to some extent, common to all three of them, and the conclusions reached are not at all dissimilar in most cases. But there is a distinct difference of nuance or flavour among them. Thomas is authoritative and categorical in the spirit of "bene distinguere," Ruskin moral and enthusiastic, but Mr. Spectator takes, all along, a common-sense attitude of prudence. Even as a preacher he is never dry and monotonous.

There is comparatively little abstract reasoning in Mr. Spectator's moralizings in general and those on economic affairs in particular. In this he is following, consciously or unconsciously, the precedent set by Horace's father, as narrated by the poet in *Satire* I, iv.

For I shall say anything too freely, if perhaps too ludicrously, you must favour me by your indulgence with this allowance. For my excellent father inured me to this custom, that by noting each particular vice I might avoid by the example [of others]. When he exhorted me that I should live thriftily, frugally, and content with what he had provided for me; don't you see, [would he say,] how wretchedly the son of Albius lives? and how miserably Barrus?— A strong lesson to hinder any one from squandering away his patrimony.....The philosopher may tell you the reasons for what is better to be avoided, and what to be pursued. It is sufficient for me, if I can preserve the traditional morality from my forefathers, and keep your life and reputation inviolate, so long as you stand in need of a guardian. (Translation by Christopher Smart)

An example or two will make this point clear. A good household economy is discussed with vivid touches in No. 114 in which the opposite vices of avarice and prodigality are illustrated by the story of Laertes and Irus, followed by a maxim on living within one's compass. Although the emphasis here is on the undue fear of poverty, on which Horace (*Epist.* I. XXVIII) supplies the top-page quotation, the central thesis is that which St. Thomas expounds in universal terms with that serene detachment which characterizes the Angelic Doctor.<sup>34</sup> Again, note the manner in which Mr. Spectator speaks about the grievous consequences of indiscreet indebtedness. It is casual and concrete, after the manner of Horace's father. There is no *ex cathedra* sermon against reckless running into debt; the whole develops out of Mr. Spectator's accidental encounter with a strange kind of a beggar in whom he recognizes an old, once-wealthy acquaintance. This is how he begins the story:

<sup>34</sup> *Summa Theologica*, II. 2. 117—9.



Passing under *Ludgate* the other Day I heard a Voice bawling for Charity, which I thought I had somewhere heard before. Coming near to the Grate, the Prisoner called me by my Name, and desired I would throw something into the Box: I was out of Countenance for him, and did as he bid me, by putting in half a Crown. I went away reflecting upon the strange Constitution of some Men, and how meanly they behave themselves in all Sorts of Conditions.....This Accident made me muse upon the Circumstance of being in Debt in general, and solve in my Mind what Tempers were most apt to fall into this Errour of Life, as the Misfortune it must needs be to languish under such Pressures.<sup>35</sup>

The real cause of this man's downfall was his ignorance of the right behaviour of a man of wealth which made him insolent and extravagant in riches and shameless in poverty. The motto Mr. Spectator has chosen for this piece is Juvenal's *Satire* iii. 33: *Caput domina venale sub hasta* (His fortunes ruined, and himself a slave.)—a dramatic passage not likely to be found in the *Summa Theologica*!<sup>36</sup>

It is not, however, all of his stories that can be strengthened by the support of classical learning. Inevitably there occur discrepancies between the social realities of Augustan England and those of the classical world. In such cases mottoes are not so easily available. Take the question of usury, for example. Mr. Spectator's England did not condemn the giving or taking of interest, unless the rate exceeded the legal maximum.<sup>37</sup> The story he tells with much feeling as a "City Romance"<sup>38</sup> centres around a generous London merchant rescuing a fellow merchant on the verge of bankruptcy by a timely accommodation of a considerable sum of money in cash and credit. The chivalry of Sir William Scawen, for that was his name, was such that he lent his friend *at common interest*, according to Mr. Spectator. Now, could our author call in any classical witness to join in his praises of "lending at common interest"? Probably Shylock might find such a money lender less abominable than another merchant "who lends out money gratis and brings down the rate of usance here with us in Venice." But in a *romance*, whether of the City or of any other kind, lending at interest, whatever its rate, does not look very "grateful," although in its place it must be good business discipline. We know that both Aristotle

<sup>35</sup> *Spectator* No. 82.

<sup>36</sup> This manner of story-telling is not unlike the method employed by the "Shingaku" (literally, "Spiritual Learning") school of Confucianism which prevailed among the *Chonin* (bourgeois) class of the Tokugawa period. *Shingaku Dowa* (Shingaku Moral Talks) used plain language and familiar illustrations to get their morals across. By comparison, Mr. Spectator is "highbrow" and far less plebeian than the tellers of *Shingaku Dowa*.

<sup>37</sup> "In 1554, a statute was passed, authorising lenders to charge 10 per cent. interest. In 1624, the legal rate was reduced to 8 per cent.; and in the reign of Queen Anne it was further reduced to 5 per cent., at which it still continues." M'Culloch, *A Dictionary of Commerce and Commercial Navigation*, second edition, London, 1834, Vol. I p. 715.

<sup>38</sup> *Spectator* No. 346.

and Thomas<sup>39</sup> would have frowned upon Mr. Spectator's "City Romance" as a flagrant case of usury, or at least, as a breach of what Thomas valued as the virtue of "Honestas." But at the same time we must not forget that between his time and Mr. Spectator's much water had flowed under London Bridge.

In spite of all that has been said in the foregoing paragraphs, the fact remains, however, that the effect of Mr. Spectator's rather heavy borrowings from classical sources has been in the direction of making him a moralist rather than a 100% realist. Here is one point among many which differentiates Mr. Spectator from Defoe<sup>40</sup> and Mandeville<sup>41</sup> as economic writers. These latter, though not lacking in Greek and Latin scholarship, are not such outstanding classicists as either Addison or Steele. They are certainly on that account freer from the influence of the moralizing wise men of old and express themselves independently of what others may or may not have said before them on the same subject. They are realists and handle their problems accordingly. They, too, may be said to moralize, if moralizing may include advancing opinions with a view to the ultimate happiness of a people or nation, for there is not a shadow of doubt that both of them had close at heart the wealth and welfare of the British Empire. But it is evident that they are not moralists in the Spectatorial sense. On the other hand, they are keener observers of economic facts and shrewder and bolder interpreters of their significance to their own country and to the world. We may say, therefore, that if Mr. Spectator is a sort of economic Schoolman swearing by Horace, Virgil and Cicero, Defoe and Mandeville are in many ways sophists of the new age.

So much for Mr. Spectator's classicism and its manifold consequences. Next I want to turn my attention briefly to the so-called bourgeois character of Mr. Spectator and its religious implications. In this connection I notice that he sets great store by such virtues and principles of action as are supposed to have found especial favour with the middle class community of early eighteenth-century England. Among them are industry, honesty, simplicity, thrift, punctuality, sobriety and such-like qualities or habits of life on which thrives "the graver portion of the Commonwealth," as Mr. Spectator might say. They are praised either as such or indirectly by the

<sup>39</sup> "Whatever is paid in excess of the principal, whether it be in money or in any other form of interest, is usury" is the accepted definition of usury by canonists and scholastics.

<sup>40</sup> Defoe was touchy about his classical scholarship. Recall what he says in his own defence against Tutchin's attack on this head and Swift's reflection upon his scholarship, in reply to which he writes in part: "I have been in my time pretty well master of five languages, and have not lost them yet, though I write no bill over my door, nor set Latin quotations on the front of the *Review*". (Lee, *op. cit.*, Vol. I, p. 11—13)

<sup>41</sup> There is ample evidence of Mandeville's knowledge of Latin in the *Fable of the Bees*, especially in its second volume in which he discusses language and literature rather fully. He wrote some of his earliest works in Latin.



blame of their opposite vices. Mr. Spectator's reflections on these virtues and vices will be discussed in fuller detail in another section of my article. Let me here quote the pertinent words of Prof. Cazamian :

Much more solidly than with Pope and Swift, indeed, Defoe, Addison, and Steele are psychologically connected with Richardson, in line with whom they already find themselves; and after Richardson, *middle-class literature, of which they mark the advent*,<sup>42</sup> will gradually become one of the indirect causes of Romanticism.....(But) since 1688, the upper middle class is more and more commingling with the hereditary nobility, or rising to a position by its side in the State; and without openly demanding the division of power, it is making its individual influence felt. The middle class as a whole—in the sense in which it stretches down to the common people—is not without sharing in its progress. The centre of social gravity tends to shift in the direction of some human element, whose formation, modern and urban as it is, may receive, for want of a more exact term, the name of bourgeois. Thus a compromise is established, in which the influences of the middle order of the State are every day becoming more active.<sup>43</sup>

A point intimately related to the "bourgeois" character of Mr. Spectator is its bearing upon Puritanism, or rather the ascetic way of life common to the various sects, particularly those under Calvinistic influence. Puritanism in this sense has acquired a new significance to students of social science since the publication of Max Weber's now famous thesis on the development of the spirit of modern capitalism. In consequence it is at present generally recognized that the religious and social life of the non-conformists was a factor of primary importance in the formation of that peculiar ethos of Anglo-American industrialism. Our question, then, is, "What do we find in Mr. Spectator's attitude towards Christianity that is worth considering in the light of the Weberian thesis?" The answer is "Not much, if at all," and the reason is simple: Mr. Spectator is not a Puritan nor a strait-laced Christian of any sort. But this does not mean at all that there are no economic implications of his type of faith or religious attitude.

Mr. Spectator makes no secret of what he thinks of Puritanism or Calvinism in its British form, in that stern rejection of the so-called Puritanic frame of mind which forms the substance of his 494th speculation. "About an Age ago" he begins, "it was the Fashion in England for every one that would be thought religious, to throw as much Sanctity as possible into his Face, and in particular to abstain from all Appearances of Mirth and Pleasantry, which were looked upon as the Marks of a Carnal Mind. The Saint was of a sorrowful Countenance, and generally eaten up with

<sup>42</sup> The italics are mine.

<sup>43</sup> Legouis and Cazamian, *A History of English Literature*, revised English edition, 1948, pp. 769 & 770.

Spleen and Melancholy." Then he tells of a young scholar "fitted out with a good Cargo of Latin and Greek" going through an examination for election in his College. This is how he describes the actual examination and it is suggestive as showing Mr. Spectator's reaction to the Doctrine of Predestination:

The young Man trembled; but his Fears increased, when, instead of being asked what Progress he had made in Learning, he was examined how he abounded in Grace. His *Latin* and *Greek* stood him in little stead; he was to give an Account only of the State of his Soul, whether he was of the Number of the Elect; what was the Occasion of his Conversion; upon what Day of the Month, and Hour of the Day it happened; how it was carried on and completed? The whole Examination was summed up with one short Sentence, Namely, *Whether he was prepared for Death?*

Farther on in the same paper he observes:

In short, those who represent Religion in so unamiable a Light, are like the Spies sent by Moses to make a Discovery of the Land of Promise, when by their Reports they discouraged the People from entering upon it. Those who shew us the Joy, the Cheerfulness and the good Humour, that naturally springs up in this happy State, are like the Spies bringing along with them the Clusters of Grapes, and delicious Fruits, that might invite their Companions into the pleasant Country which produced them. An eminent Pagan Writer has made a Discourse, to shew that the Atheist, who denies a God, does him less Dishonour than the Man who owns his Being, but at the same Time believes him to be cruel, hard to please, and terrible to humane Nature. For my own Part, says he, I wou'd rather it shou'd be said of me, that there was never any such Man as *Plutarch*, than that *Plutarch* was ill-natured, capricious or inhumane.

All of which confirms how far removed our author is from Puritanism and all that it implies.<sup>44</sup>

To us the important fact here is his stand on religious toleration which has already been touched upon more than once. He believes, with Voltaire<sup>45</sup> and many others, that toleration is a great liberator and encourager of commerce, and that it offers thereby an efficient condition for national enrichment. It is, therefore, quite natural that he should be free from malice towards such persecuted people as Jews and Quakers. To

<sup>44</sup> Max Weber's emphasis upon the doctrine of predestination as an essential feature of Puritanism seems to me excessive, as it is doubtful to what extent the rising middle class among which Puritanism largely prevailed pinned its faith to that doctrine. The Quakers as a sect did not subscribe to its narrow view of salvation. Mr. Spectator's opinion here set forth must have been shared by many people belonging to various denominations.

<sup>45</sup> See particularly letters 6 and 10 of his *Lettres Philosophiques*. In the former he writes: "Entrez dans la Bourse de Londres, cette place plus respectable que des Cours; vous y voyez rassemblés les députés de toutes les Nations pour l'utilité des hommes. Là, le Juif, le Mahométan et le Chrétien traitent l'un avec l'autre come s'ils étaient de la même Religion, ne donnent le nom d'infidèles qu'à ceux qui font banqueroute; là, le Presbytérien se fit à l'Anabaptiste, et l'Anglican reçoit la promesse du Quaker. Un Anglais, comme homme libre, va au Ciel par le chemin qui lui plaît."



the Jews he devotes a whole paper<sup>46</sup> describing, in a friendly spirit, their characteristics as a race. In this description he says among others that "they are, indeed, so disseminated through all the trading Parts of the World, that they are become the Instruments by which the most distant Nations converse with one another, and by which Mankind are knit together in a general Correspondence," and that "they are like the Pegs and Nails in a great Building, which, though they are little valued in themselves, are absolutely necessary to keep the whole Frame together." References to Quakers, on the other hand, are scattered and casual, and more or less in a humorous strain, for to Mr. Spectator, as indeed to all his contemporaries, Quakers were "queer people" fanatical in their faith and singular in their way of life. But he does them the justice of depicting his Quaker characters as people honest, peace-loving, and simple and cleanly in their habits of life, as in the case of Ephraim in No. 132 and of "a pretty young Quaker woman" in No. 631. Comparison between these two pieces is interesting, as they represent Steele and Addison as characterizers of the Quaker, both, curiously enough, in the role of fellow passengers in a stage-coach. Addison as Mr. Spectator has left us a charming sketch of a young Quakeress which reminds us of Lamb's<sup>47</sup> of a century later: "Every Quakeress is a lily." He writes:

On the other hand, the pretty Quaker appeared in all the Elegance of Cleanliness. Not a Speck was to be found on her. A clear, clean oval Face, just edged about with little thin Plaits of the purest Cambrick, received great Advantages from the Shade of her black Hood; as did the Whiteness of her Arms from that sober coloured Stuff, in which she had Cloathed her self. The Plainness of her Dress was very well suited to the Simplicity of her Phrases; all which put together, *though they could not give me a great Opinion of her Religion*,<sup>48</sup> they did of her Innocence.

Be this as it may, I who have labeled Mr. Spectator as an economist cannot but wish that he had taken due notice of what great economic assets to the nation these honest frugal and industrious Quakers represented in those days of cheats and bubbles among the multitude, and of bribery in high quarters.<sup>49</sup> Voltaire understood them much better.<sup>50</sup>

On the whole, we may safely conclude that in religion, as in other things, Mr. Spectator is a confirmed middle-of-the-roader, neither an atheist nor an enthusiast, perhaps following the wisdom of the homely German proverb, "Allzuviel ist ungesund." In fact he is so well balanced in this

<sup>46</sup> *Spectator* No. 495.

<sup>47</sup> *The Essays of Elia* (At a Quakers' Meeting). "The very garments of a Quaker seem incapable of receiving a soil; and cleanliness in them to be something more than the absences of its contrary."

<sup>48</sup> My italics

<sup>49</sup> See Isabel Grubb, *Quakerism and Industry before 1800*, London 1929.

<sup>50</sup> *Lettres Philosophiques*, 1-4.

respect that I venture to suspect that his Anglicanism is of the same sort as Shaftesbury's on which Leslie Stephen makes a not very savoury comment: "His Utopia implied an era of general indifference, in which the ignorant might be provided with dogmas for their amusement; and wise men smile at them in secret. *The Church, in short, was excellent as a national refrigerating machine*; but no cultivated person could believe in its doctrines."<sup>51</sup> At any rate, there is little doubt that prudence plays a large part in all discussions of a religious character in the *Spectator* and whatever bearing these may have on economics seems attributable to that fact. Consider, for example, Sir Andrew's argument against giving alms to beggars (No. 232): "The very alms they receive from us are the wages of idleness" or Mr. Spectator's (Steele's) defence of Charity-Schools in No. 294 in which it is said: It is methinks a most laudable Institution, this, if it were of no other Expectation than that of producing a Race of good and useful Servants. What would not a Man do, in common Prudence, to lay out in Purchase of one about him, who would add to all his Orders he gave the Weight of the Commandments to enforce an Obedience to them? for one who would consider his Master as his Father, his Friend, and Benefactor upon the easy Terms, and in Expectation of no other Return but moderate Wages and gentle Usage?"

Mr. Spectator's argument *for* charity schools seems, in its utilitarianism, not much different from Mandeville's<sup>52</sup> *against* the same institution. Both look forward to economic benefits, either to individuals or the nation or both, that may result from the existence or abolition of charity schools. When religion becomes so utilitarian in its spirit, we may almost regard it as a next-door neighbour of Deism or Atheism. But the economic consequences of such a religion are by no means less important or less far-reaching than those of Puritanism.

### III

From what has preceded I hope the general character of Mr. Spectator's economics has come out in sufficiently clear, if imperfect, outline. My next task is to examine it in detail, taking up the more important problems involved. I shall do so in two main parts, general and particular; the

<sup>51</sup> *English Thought in the Eighteenth Century*, Vol. II, § IX, III. The italics are mine,

<sup>52</sup> Mandeville vehemently attacks the institution of charity schools in his essay entitled *An Essay on Charity and Charity-Schools* which was published in 1723 as a part of his *Fable of the Bees*. Mandeville bases his position upon British mercantilism which required an abundance of cheap, ignorant, obedient and tractable labour, and argues that education of the poor runs counter to the fulfillment of that national need.



general part dealing (of course, as far as my material permits—material, that is to say, which is literary, and often whimsical) with matters of principle and the particular with those of application.

The first question that confronts me is Mr. Spectator's conception of wealth. On this head I have found that his attitude varies according as wealth concerns individuals or the State, that is, the British Empire. In the latter case wealth, "England's treasure," is treated as unmixed good; it is desirable unconditionally and in unlimited quantities. That is why he is so untiring in his praise of Commerce and Foreign Trade. But when the question turns upon private wealth, his tune becomes different; he preaches the golden mean in earthly possessions. Nowhere in his pages, however, does Mr. Spectator give any suggestion of his disdain of wealth with its usual corollary of a glorification of poverty such as the Franciscans were at one time famous for. It is, on the contrary, the "glory of wealth," a significant eighteenth-century phrase, that we more frequently hear dilated upon by Mr. Spectator. This, one would say, is a matter of course, since he was writing in the heyday of Augustan England. I agree, but the point is, "That being so, why should he be playing the moralist all the time in the matter of private wealth?" The influence of his classics, as I have pointed out, is one answer to the question; but perhaps more important still, we have to think of the extravagances of the age to which contemporary literature bears witness in one way or another, as we may see e. g. in Pope's *Moral Essays*.

As mentioned at the outset of this paper, Mr. Spectator is an economist as the eighteenth century understood him. He introduces himself in the very first essay of the *Spectator*, saying "I am very well versed in the Theory of an Husband, or a Father, and can discern the Errors in the Œconomy, Business and Diversion of others, better than those engaged in them." It is scarcely necessary, I think, to explain that by "the theory of an husband" he means "husbandry" or the art of household management, which in fact is "Œconomy." But what, exactly, is this "theory of an husband"? What line of conduct does it approve or disapprove?

The principle of Œconomy, he believes with his classical authorities, consists in the just measure of wealth, or in his own words, in "the middle condition."<sup>53</sup> "The middle Condition," he says, "seems to be the most

<sup>53</sup> It would be interesting to compare Mr. Spectator's "middle condition" with Defoe's "middle state," upon the excellences of which Robinson Crusoe's father expostulates with his son, as "the best state in the world, the most suited to human happiness, not exposed to the miseries and hardships, the labour and sufferings of the mechanick part of mankind, and not embarrass'd with the pride, luxury, ambition, and envy of the upper part of mankind." Defoe here has in mind, among other things, the economic benefits of the middle state, as he writes in the same place that "peace and plenty were the hand-maids of a middle fortune." Mr. Spectator is thoroughly classical in this respect, thinking, at least in appearance, only of virtue, knowledge and wisdom.

advantageously situated for the gaining of Wisdom. Poverty turns our Thoughts too much upon the supplying of our wants, and Riches upon enjoying our Superfluities; and as *Cowley* has said in another Case, *It is hard for a Man to keep a steady Eye upon Truth, who is always in a Battel or a Triumph.*" What really matters, therefore, is to avoid the excesses of both, as in moderation riches, and even poverty, have their advantages, namely, Humanity, Good Nature, Magnanimity, and a Sense of Honour, on one side, and Humility, Patience, Industry and Temperance, on the other. Harmony of these qualities is desirable for a community based upon the immutability of social status and the "sacred" inviolability of private property tempered by classical and Christian traditions.

Maintenance of the middle condition is made possible by observing a happy medium between avarice and prodigality, as Aristotle and St. Thomas had taught long before Mr. Spectator. Only, as has been noted, he treats the subject more realistically by reference to the concrete, though perhaps mostly imaginary, cases of persons who have failed in economic prudence. The following is the story of a peevish country gentleman whom he met as a fellow guest at Sir Roger's dinner.<sup>54</sup>

Upon hearing his Name, I knew him to be a Gentleman of a considerable Fortune in this Country, but greatly in Debt. What gives the unhappy Man this Peevishness of Mind, is, that his Estate is dipp'd, and is eating up with Usury; and yet he has not the heart to sell any Part of it. His proud Stomach, at the Cost of restless Nights, constant inquietudes, Danger of Affronts, and a thousand nameless Inconveniences, preserves this Canker in his Fortune, rather than it shall be said he is a Man of fewer Hundreds a Year than he has been commonly reputed. Thus he endures the Torment of Poverty, to avoid the Name of being less rich. If you go to his House you see great Plenty; but served in a Manner that shows it is all unnatural, and that the Master's Mind is not at home. There is a certain Waste and Carelessness in the Air of every thing, and the whole appears but a covered Indigence, a magnificent Poverty.<sup>55</sup> That Neatness and Cheerfulness which attends the Table of him who lives within Compass, is wanting and is exchanged for a libertine Way of Service in all about him.

Mr. Spectator expresses his disapproval of this kind of false economy in strong and trenchant terms:

This Gentleman's Conduct, tho' a very common way of Management, is ridiculous as that Officer's would be, who had but few Men under his Com-

<sup>54</sup> *Spectator* No. 114.

<sup>55</sup> In his *English Comic Writers* Hazlitt calls attention, as a feature of the *Tatler* to what he describes as "antithetical style and verbal paradoxes, in which the epithet is a seeming contradiction to the substantive",—as I think in this phrase "a magnificent poverty" or "a busy idler" applied to men like Will Wimble. He mentions Burke as a frequent user of expressions of this sort, e.g. "proud submission" and "dignified obedience," and "thinks" they "are first to be found in the *Tatler*." *Op. cit.* Ev. Lib. p. 99 footnote. The *Spectator* piece quoted above is from the pen of Steele. But Hazlitt's opinion in this matter requires further examination.



mand, and should take the Charge of an Extent of Country rather than a small Pass. To pay for, personate, and keep in, a Man's Hands a greater Estate than he really has, is of all others the most unpardonable Vanity and must in the End reduce the Man who is guilty of it to Dishonour. Yet if we look round us in any County of *Great-Britain*, we shall see many in this fatal Errour; if that may be call'd by so soft a Name, which proceeds from a false Shame of appearing what they really are, when the contrary Behaviour would in a short Time advance them to the Condition which they pretend to.

His diagnosis of these cases is shame and fear of poverty. Shame of it drives a vain man of fortune like the hero of this story to an unreasonable waste of prodigality, while fear of poverty leads him to the other extreme of avarice, as is more fully explained in the following:

*Laertes* and *Irus* are Neighbours, whose Ways of living are an Abomination to each other. *Irus* is moved by the Fear of Poverty, and *Laertes* by the Shame of it. Though the Motive of Action is of so near Affinity in both, and may be resolved into this, 'That to each of them Poverty is the greatest of all Evils,' yet are their Manners very widely different. Shame of Poverty makes *Laertes* launch into unnecessary Equipage, vain Expence, and lavish Entertainments; Fear of Poverty makes *Irus* allow himself only plain Necessaries, appear without a Servant, sell his own Corn, attend his Labourers, and be himself a Labourer. Shame of Poverty makes *Laertes* go every Day a Step nearer to it: and Fear of Poverty stirs up *Irus* to make every Day some further Progress from it.

Elsewhere<sup>66</sup> Mr. Spectator speaks of natural wealth and artificial poverty in emphasizing the state of mind as an essential condition of "being wealthy." "Content," he says, "is equivalent to Wealth, and Luxury to Poverty; or to give the Thought a more agreeable Turn, Content is natural Wealth, says *Socrates*; to which I shall add, *Luxury is artificial Poverty*." However, to continue with *Laertes* and *Irus*, our Economist, generalizing from their cases, delivers himself of this maxim of wise husbandry:

These different Motives produce the Excesses which Men are guilty of in the Negligence of and Provision for themselves. Usury, Stock-Jobbing, Extortion and Oppression, have their Seed in the Dread of Want<sup>67</sup>; and Van-

<sup>66</sup> *Spectator* No. 574

<sup>67</sup> The vagueness of the meaning of the word "want" in this passage is unfortunate, as it seems to me unlikely that mere dread of want can, in the ordinary course of events, become the cause of such wild or violent forms of gain-pursuit as "usury, stock-jobbing, extortion and oppression." What is capable of occasioning these is not mere "dread of want," but "a violent desire of wealth," to borrow an expressive phrase used by Swift. (*Gulliver's Travels*, Pt. IV, § VI where Gulliver tells his Houyhnhnm master about human avarice.) Mandeville uses the word "want" as a synonym of "desire" and builds up on it his whole system of thought. Read the pregnant passage: "I would have taught them (the meanest Capacities), that every Defect, every Want was an Evil: and on the Multitude of those Wants depended all those mutual Services which the individual Members of a Society pay to each other: and that consequently, the greater Variety there was of Wants, the larger Number of Individuals might find their private Interest in labouring for the Good of others, and united together, compose one Body." (*Fable*, Vol. 1, p. 465)

ity, Riot and Prodigality from the Shame of it; But both these Excesses are infinitely below the Pursuit of a reasonable Creature. *After we have taken Care to command so much as is necessary for maintaining our selves in the Order of Men suitable to our Character, the Care of Superfluities is a Vice no less extravagant, than the Neglect of Necessaries would have been before.*<sup>58</sup>

Here we are confronted with a pattern of thought which might have been culled from a mediaeval book of Christian casuistry. Indeed the precept on *luxuria* or superfluities is lofty and admirable in itself, but my wonder is how it is to find lodgment in Mr. Spectator's England where it must feel woefully out of its element.<sup>59</sup> However, let that pass for the moment, for he is presently coming up with a bright idea which apparently contains a far greater measure of practical wisdom, the maxim of "living within your compass."

It would methinks be no ill Maxim of Life, if...every Man would point to himself *what Sum he would resolve not to exceed*. He might by this Means cheat himself into a Tranquility on this Side of that Expectation, or convert what he should get above it to nobler Uses than his own Pleasures or Necessities. This Temper of Mind would exempt a Man from an ignorant Envy of restless Men above him, and a more inexcusable Contempt of happy Men below him. This would be living with some Compass, living with some Design; but to be eternally bewildered in Prospects of future Gain, and putting on unnecessary Armour against improbable Blows of Fortune, is a Mechanick Being, which has not good Sense for its Direction, but is carried on by a Sort of acquired Instinct towards things below our Consideration and unworthy our Esteem.

This is the economics of reasonable spending and therefore also of saving, in short, economic planning in a rude form.

To Japanese students of economics Mr. Spectator's suggestion above quoted must be reminiscent of the principle of their own rural economist, Ninomiya Sontoku, noted for his insistence on the threehold discipline<sup>60</sup> of

<sup>58</sup> My italics.

<sup>59</sup> In this connection it would be instructive to trace the development of the scholastic theory of *jus extremæ necessitatis* in Europe and recall the fate to which it was doomed in modern England, where the leading thinkers of the seventeenth and eighteenth centuries, almost without exception, rejected it as dangerous thought. Richard Baxter puts up a cruel and inhuman argument against it in his *Christian Directory* (Directions against Theft and Fraud, tit. 2). Burke is rhetorical about it but sounds negative in his conclusion. (*Thoughts on Scarcity*, Complete Works in World Classics edition, Vol. vi, p. 13-14). Cobbett is probably the only notable exception to this general rule, viewing the problem as a friend of the poor. (*Poor Man's Friend*, § 55 et seq.)

<sup>60</sup> *Kinro*, *bundo* and *suijo* are integrated into a system of economy now popularly called *Hotoku Keizai*. *Kinro* stands for production, *bundo* for thrift, and *suijo* for the right use of one's resources. *Hotoku Keizai* is a mixture of economics and morality, but rationalism is one of its salient features, with *bundo* as the pivot of the whole scheme. Determination of *bundo* for each individual or collective body is a matter of calculation based on an objective survey and investigation. Mr. Spectator's proposal for setting "a sum which he would resolve not to exceed" embodies the spirit of the *bundo* principle.

*kinrô*, (industry), *bundo* (observing one's prescribed limit of expenditure) and *suijo* ("concession" or earmarking for future use). Of course, Sontoku's is an elaborate system of thought with a definite plan of action so that it has grown into a social movement of nation-wide dimensions. From that point of view, comparison of it with Mr. Spectator's suggestion thrown out more or less casually may not be quite relevant. Nevertheless, it is interesting to reflect that both schemes relate primarily to rural economy and find it difficult to make inroads upon an industrial or trading community. The experience of the Hotoku movement in Japan has proved this for the school of Ninomiya Sontoku, and as for Mr. Spectator, he is cautious enough to add to his proposal the following reservations:

It is possible that the Tranquility I now enjoy at Sir Roger's may have created in me *this Way of Thinking, which is so abstracted from the common Relish of the World*.<sup>61</sup> But as I am now in a pleasing Arbour surrounded with a beautiful Landskip, I find no Inclination so strong as to continue in these Mansions, so remote from the ostentatious Scenes of Life.

Apparently the implication is that his rural soliloquies are not expected to find a favourable audience in the Metropolis, "a kind of Emporium for the whole Earth."

While on the subject of domestic finance, we may as well give a few more extracts from the *Spectator* on the use of wealth. The next piece<sup>62</sup> concerns the Christian duty of charity for people of wealth, and may be regarded as Mr. Spectator's partial answer on the question of superfluities raised a while ago. His solution here is encouragement and support of charity-schools.

It is here in *England* come into our very Language, as a Propriety of Distinction, to say, when we speak of Persons to their Advantage, they are People of Condition. There is no Doubt but the proper Use of Riches implies that a man should exert all the good Qualities imaginable; and if we mean by a Man of Condition or Quality one, who, according to the Wealth he is Master of, shews himself just, beneficent, and charitable, that Term ought very deservedly to be had in the highest Veneration; but when Wealth is used only as it is the Support of Pomp and Luxury, to be rich is very far from being a Recommendation to Honour and Respect .....The Fellow who escaped from a Ship which struck upon a Rock in the West, and joined with the Country-People to destroy his Brother-Sailors and make her a Wreck, was Thought a most execrable Creature; but does not every Man who enjoys the Possession of what he naturally wants, and is unmindful of the unsupplied Distress of the other Men, betray the same Temper of Mind?.....But so it is, that the Consideration of Fortune has taken up all our Minds, and,.....*Poverty and Riches stand in our Imagination in the Places of Guilt and Innocence*.<sup>63</sup>

<sup>61</sup> My italics.

<sup>62</sup> *Spectator* No. 294

<sup>63</sup> My italics.



Two points stand out in this passage, a graphic description of extreme necessity and a reference to the guilt-and-innocence conception of poverty and wealth. The second point, in particular, has to do with a significant phase of English social thought on the eve of the Industrial Revolution, of which mention was made in the previous section of this article. It is said to be a characteristic of Protestant economic ethics, as contrasted with that of Catholicism, to appreciate worldly wealth as a divine gift and proportionately to deprecate poverty as a curse to fly away from.<sup>64</sup> Underlying this whole attitude, we are told, is the doctrine of predestination, particularly stressed by the Puritans. The guilt-and-innocence idea of wealth and poverty is identified with that doctrine, but we have already seen that Mr. Spectator himself does not subscribe to it, hence a somewhat critical tone in the above passage.

And yet, it is enlightening to know that Mr. Spectator agrees in sentiment with Dr. Snape's sermon on the Charity Schools, with an extract from which he closes his essay.

This wise Providence has amply compensated the Disadvantages of the Poor and Indigent, in wanting many of the Conveniencies of this Life, by a more abundant Provision for their Happiness in the next. Had they been higher born, or more richly endowed, they would have wanted this Manner of Education, of which those only enjoy the Benefit, who are low enough to submit to it; where they have such Advantages without Money, and without Price, as the Rich cannot purchase with it. The Learning which is giv'n, is generally more edifying to them, than that which is sold to others: Thus do they become more exalted in Goodness, by being depressed in Fortune, and their Poverty is, in reality, their Preferment.

This must not be thought a glorification of poverty for all and sundry. Mr. Spectator would not accept it for himself or anyone of his class. The Gospel of Poverty was exclusively for the poor, who were "divinely appointed" to their status in which they had to surpass themselves in diligence,

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<sup>64</sup> Literature on the economic aspects of Protestantism is plentiful in English and German as well as other European languages. Max Weber, Troeltsch, Brentano, Schultz-Gaevernitz, Cunningham, Tawney, O'Brien, Robertson, Fanfani, Henri Sée and numerous others have contributed to the discussion of the problem. H.G. Wood explains well and succinctly, when he writes: "The reaction from the conventional praise of poverty led the Reformer and the Puritan after him to insist on the blessing of wealth. Wealth and poverty come of God's gifts, and either is to be accepted as from Him. The seventeenth-century moralists do not ignore the spiritual and moral dangers of wealth. Indeed they are most anxious to direct the man of means in the employment of his money. But they do regard the possession of wealth as something ordained of God, and in consequence they take a conservative attitude towards class distinctions and class standards of living. They do not anticipate a filling-in of the chasm between rich and poor, or even a closer approximation between the two sides of the chasm. It is assumed to be a natural and divine order that some are placed in a position to give alms and others in the necessity of receiving them." (H. G. Wood, *The Influence of the Reformation on Ideas Concerning Wealth and Property*, in *Property, its Duties and Rights*, a symposium, London, 1913, p. 148.

frugality, obedience and contentment. It was no unimportant part of the business of religious education for the lower classes to inculcate these "virtues" upon their children.<sup>65</sup>

From such reflections as these it is far pleasanter and more inspiring to turn to another use of wealth recommended by Mr. Spectator, viz. the planting of trees.<sup>66</sup> It is a happy thought of his, expressed with his unsurpassed felicity of phrase, that wealth can bequeath to posterity no finer legacy than the luxuriance of forests and gardens. He would see the country gentlemen of England, more than any other class of men, take to planting in place of "the fowls of the air and the beasts of the field," as a thing more delightful in itself, and beneficial to the public. He knows of a gentleman to whom he may point as an example in munificence of this kind. "I could mention, a Nobleman," says he, "whose Fortune has placed him in several Parts of *England*, and who has always left these visible Marks behind him, which shew he has been there: He never hired a House in his Life, without leaving all about it the Seeds of Wealth, and bestowing the Legacies on the Posterity of the Owner. Had all the Gentlemen of *England* made the same Improvements upon their Estates, our whole Country would have been at this time as one great Garden." But of course, planting has also its great economic value, from the point of view of national defence, because "the Increase of Forest-Trees does by no Means bear a Proportion to the Destruction of them, insomuch that in a few Ages the Nation may be at a loss to supply itself with Timber sufficient for the Fleets of *England*."

Mr. Spectator further finds an exemplary use of wealth in the exercise of what with Alfred Marshall he would have called "economic chivalry." The case he cites in the "City Romance" which we have discussed in Section II is given much prominence in his periodical and elicits an observation such as the following:

In a Nation where there are so many publick Funds to be supported I know not whether he can be called a good Subject, who does not embark some Part of his Fortune with the State to whose Vigilance he owes the Security of the whole. .... But he who Trades, besides giving the State some Part of this sort of Credit he gives his Banker, may in all the Occurrences of his Life have his Eye upon removing Want from the Door of the Industrious, and defending the unhappy upright Man from Bankruptcy. Without this Benignity, Pride or Vengeance will precipitate Man to chuse the Receipt of half his Demands from one whom he has undone, rather than the Whole from whom he has shewn Mercy. This Benignity is essen-

<sup>65</sup> Cf. Bowden, *Industrial Society in England towards the End of the Eighteenth Century*, New York, 1925, p. 279 et seq.

<sup>66</sup> *Spectator* No. 583.

<sup>67</sup> *Spectator* Nos. 248, 346 and 546.

<sup>68</sup> *Spectator* No. 346.

tial to the Character of a fair Trader who designs to enjoy his Wealth with Honour and Self-Satisfaction.

Mr. Spectator rejoices at the fact that there are around him not a few generous souls possessed of the virtue of benignity; he only regrets that he cannot report on them as fully as he would like to, for fear of arousing party animosities.

Since it is an established truth with Mr. Spectator that wealth and riches are good things to have, though caution is needed for their right dispensation, it is only natural that he is deeply interested in various means of their acquisition, Commerce, Manufacture and Agriculture, not forgetting, of course, the liberal professions. His speculations on these activities are scattered all over his eight volumes but I shall not be guilty of exaggeration when I say that among them trade and industry have received by far the largest amount of consideration and probably also of space. Naturally Mr. Spectator's favourable comments on Commerce and the Merchant are to be met with everywhere. In the second Essay in introducing Sir Andrew to his readers, he gives an energetic representation of the pride and aspirations of the contemporary British merchant.

The Person of next Consideration is Sir Andrew Freeport, a Merchant of great Eminence in the City of *London*. A Person of indefatigable Industry, strong Reason, and great Experience. His Notions of Trade are noble and generous, and (as every rich Man has usually some sly Way of Jestings, which would make no Figure were he not a rich Man) he calls the Sea the *British Common*. He is acquainted with Commerce in all its Parts, and will tell you that it is a stupid and barbarous Way to extend Dominion by Arms; for true Power is to be got by Art and Industry. He will often argue, that if this part of our Trade were well cultivated, we should gain from one Nation; and if another, from another. I have heard him prove, that Diligence makes more lasting Acquisitions than Valour, and that Sloth has ruined more Nations than the Sword.

The point emphasized here is Commerce as an instrument of peace among nations and as a real founder of national strength and prosperity. The writer of the above paragraph is Steele, but the same thought is echoed more fully and with no less eloquence by Addison as Mr. Spectator in his famous paper on the Royal Exchange, from which we have made elsewhere a short selection, where he says that "Trade, without enlarging the *British Territories*, has given us a kind of additional Empire." In fact, the idea of associating Commerce with peace prevailed so much during the eighteenth century that the literature of this and subsequent periods abounds in expressions of the same tenor. Take, for example, a stanza from Edward Young's ode on "The Merchant." (Strain V 26)

Trade springs from peace, and wealth from trade,  
And power from wealth: of power is made  
The god on earth; hail, the dove of peace!



Whose olive speaks the raging flood  
 Of War repressed ; what's loss of blood ?  
 War is the death of Commerce and Increase.

As regards the functions and contributions of Commerce, Mr. Spectator dwells upon them beautifully and concretely in his Royal Exchange reflections. Commerce rests upon a mutual dependence which brings together peoples in different parts of the world producing a great variety of merchandise, and this underlying condition of exchange is happily described as follows :

Nature seems to have taken a particular Care to disseminate her Blessings among the different Regions of the World, with an Eye to this mutual Intercourse and Traffick among Mankind, that the Natives of the several Parts of the Globe might have a kind of Dependance upon one another, and be united together by their common Interest. Almost every *Degree* produces something peculiar to it. The Food often grows in one Country, and the Sauce in another. The Fruits of *Portugal* are corrected by the products of *Barbadoes* : The Infusion of a *China* Plant sweetned with the Pith of an *Indian* Cane. The *Philippick* Islands give a Flavour to our *European* Bowles. The single Dress of a Woman of Quality is often the Product of an Hundred Climates. The Muff and the Fan come together from the different Ends of the Earth. The Scarf is sent from the Torrid Zone, and the Tippet from beneath the Pole. The Brocade Petticoat rises out of the Mines of *Peru*, and the Diamond Necklace out of the Bowels of *Indostan*.

What is remarkable about this description is a world-wide view taken of the basis of everyday life such as Englishmen, more than any other people, could well boast of in the eighteenth century. The meaning of foreign trade to the English people, in particular, is further elaborated in the next paragraph.

If we consider our own Country in its natural Prospect, without any of the Benefits and Advantages of Commerce, what a barren uncomfortable Spot of Earth falls to our Share ! Natural Historians tell us, that no Fruit grows originally among us, besides Hips and Haws, Acorns and Pig-nutts, with other Delicacies of the like Nature ; That our Climate of it self, and without the Assistances of Art, can make no further Advances towards a Plumb than to a Sloe, and carries an Apple to no greater a (*sic*) Perfection than a Crab : That our Melons, our Peaches, our Figs, our Apricots, and Cherries, are Strangers among us, imported in different Ages, and naturalized in our *English* Gardens : and that they would all degenerate and fall away into the Trash of our own Country, if they were wholly neglected by the Planter, and left to the Mercy of our Sun and Soil. Nor has Traffick more enriched our vegetable World than it has improved the whole Face of Nature among us. Our Ships are laden with the Harvest of every Climate : Our Tables are stored with Spices, and Oils, and Wines : Our Rooms are filled with Pyramids of *China*, and adorned with the Workmanship of *Japan* : Our Morning's-Draught comes to us from the remotest Corners of the Earth : We repair our Bodies by the Drugs of *America*, and repose our selves under *Indian* Canopies. My friend Sir Andrew calls the Vineyards of *France* our Gardens : the Spice-Islands our Hot-beds ; the *Per-*

sians our Silk-Weavers, and the Chinese our Potters.<sup>69</sup>  
 Hence, once more in the words of Edward Young,  
 Trade, Britain's all, our sires sent down  
 With toil, blood, treasure, ages won.

When trade and commerce are found to be of such vital importance to the wealth and welfare of the British nation, the natural consequence is the high esteem in which merchants are held as "captains of industry" in the Carlylian sense of the phrase. There is ample evidence of the tendency in the literature of the period, especially in drama, e. g. the comedies of Congreve and Steele, in which merchants are given considerable prominence in one role or another. Of course, Mr. Spectator is also a great admirer of them and goes so far as to say: "For these Reasons there are not more useful Members in a Commonwealth than Merchants. They knit Mankind together in a mutual Intercourse of good Offices, distribute the Gifts of Nature, find Work for the Poor, and Wealth to the Rich, and Magnificence to the Great." But the real, full-strength defence of merchants as a class is put into the mouth of Sir Andrew when Sir Roger, his friendly opponent representing the landed interest, inadvertently lets fall a reflection upon them on the theme of Carthagian faith. What is most impressive in this defence is the London merchant's vigorous argument in favour of the principle of Numbers or what Sombart would call "das Prinzip des kalkulatorischen Denkens." The heart of Defoe, had he been at the Club with them, would have melted in joy at Sir Andrew's eloquent testimony to the very principle he is at so much pains to elucidate and uphold in his *Compleat English Tradesman*. Let us hear what our champion of modern economic rationalism has to tell us, but first, as to the meaning of numbers to private enterprise.

Numbers are so much the Measure of every thing that is valuable, that it is not possible to demonstrate the Success of any Action, or the Prudence of any Undertaking, without them. I say this in Answer to what Sir Andrew is pleased to say, That little that is truly noble can be expected from one who is ever poring on his Cash-book or ballancing his Accounts. When I have my Returns from Abroad, I can tell to a Shilling by

<sup>69</sup> It will be seen that Mr. Spectator (Addison), while displaying in this essay some fine touches of literary style, sacrifices accuracy to rhetorical effect when he speaks of "disputes" being adjusted (on the Royal Exchange) between an Inhabitant of Japan and an Alderman of London. In 1711 no Japanese could venture out of his country, except on pain of grave penalties; how much less conceivable it is for merchants of Tokugawa Japan to have carried on business transactions on the Royal Exchange of London! Prof. Kaye, editor of *The Fable of the Bees*, Oxford University Press, 1924, refers to this essay by Addison and points out the resemblances between it and Mandeville's similar description in the *Fable*, pp. 412-3. It is his opinion that Addison here makes little attempt to deduce "economic principles" (*Op. cit.* Vol. I, p. 357, footnote), implying, presumably, that Mandeville is free from the supposed defect. It is perhaps not impossible that Mandeville, having been a reader of the *Spectator* (*Fable*, Vol. II, p. 333) and probably having written after 1711, improved on Addison's description, but "deduction of economic principles" would scarcely have suited the humour of Mr. Spectator, economist as he was in another sense of the term.

the Help of Numbers the Profit or Loss of my Adventure; but I ought also to be able to shew that I had Reason for making it, either from a reasonable Presumption that my Returns will be sufficient to answer my Expence and Hazard; and this is never to be done without the Skill of Numbers. For Instance, if I am to trade to *Turkey*, I ought beforehand to know the Demand of our Manufactures there as well as their Silks in *England*, and the customary Prices that are given for both in each Country. I ought to have a clear Knowledge of these Matters beforehand, that I may presume upon sufficient Returns to answer the Charge of the Cargo I have fitted out, the Freight and Assurance out and home, the Customs to the Queen, and the Interest of my Money, and besides these Expences a reasonable Profit to my self.

But the principle of numbers is universal and is not confined to the "Economy of the Merchant." Neglect of it will prove disastrous to the country gentleman as well, "unless by scorning to be the Steward, he resolves the Steward shall be the Gentleman."

The Gentleman no more than the Merchant is able without the Help of Numbers to account for the Success of any Action, or the Prudence of any Adventure. If, for Instance, Chace is his whole Adventure, his only Returns must be the Stag's Horns in the great Hall, or the Fox's Nose upon the Stable Door. Without Doubt Sir Roger knows the full Value of these Returns; and if beforehand he had computed the Charges of the Chace, a Gentleman of his Discretion would certainly have hang'd up all his Dogs, he would never have brought back so many fine Horses to the Kennel, he would never have gone so often like a Blast over Fields of Corn. If such too had been the Conduct of all his Ancestors, he might truly have boasted at this Day that the Antiquity of his Family had never been sullied by a Trade, a Merchant had never been permitted with his whole Estate to purchase a Room for his Picture in the Gallery of de Coverleys, or to claim his Descent from the Maid of Honour. But 'tis very happy for Sir Roger that the Merchant paid so dear for his Ambition. *'Tis the Misfortune of many other Gentlemen to turn out of the Seats of their Ancestors, to make Way for such new Masters as have been more exact in their Accompts than themselves; and certainly he deserves the Estate a great deal better who has got it by his Industry, than he who has lost it by his Negligence.*<sup>70</sup>

<sup>70</sup> Defoe notices this social phenomenon in his writings, particularly in *A Plan of the English Commerce*, *The Compleat English Tradesman* and *The Compleat English Gentleman*. In the last-named work he records cases of great estates of ancient families passing into the hands of *nouveaux-riches* and writes, in part: "This is especially to be observ'd in the severall counties adjacent to London, where, in short, you have very few of the antient gentry left, as in the countyes of Essex, Kent, Surry, Middlesex, Hartford, etc. Take the two great countyes of Essex and Kent in particular: how few of the antient families are to be found, but the estates are possess'd and the new palaces are built all by modern houses, the posterity of trades-men, merchants, soldiers, and seamen; and one particularly acquainted with both the case and with the persons assur'd me that in the two countyes of Essex and Kent only there was not one fifth part of the antient families remaining, and that he could name 200 houses of merchants and trades-men settled in those counties with immense wealth and estates," etc (*The Compleat English Gentleman*, ed. by K. D. Bülbring, p. 263). It is interesting to note that on the previous page of the same book Defoe mentions the names of "Countess Dowager of Warwick" and "Addisson"—that is, our Mr. Spectator—in the list of "noble ladies matching with private men and hardly with gentlemen"—another manifestation of what Lamb calls "an imperfect sympathy" between Defoe and Mr. Spectator.

In the *Clandestine Marriage*, a play by Colman and Garrick, Sterling, the merchant of the play, speaking to himself, says: "let him have children by my daughter or no, I shall have his whole estate in a net for the benefit of my family.—Well thus it is that the children of citizens, who have acquired fortunes, prove persons of fashion: and thus it is, that persons of fashion who have ruined their fortunes, reduce the next generation to cits." (Act, sc. I)



There is a note of serious criticism in the Merchant's disapproval of the ignorance of numbers among the English gentlemen not excluding his friend Sir Roger de Coverley. The climax of his argument, reached in the passage I have italicized, carries with it a satire which must have touched the good knight to the quick because it lays its finger on just what was happening under his nose to many estates of country gentlemen and ancient nobility.

A few other things said by Sir Andrew in this controversy may be noted in this connection. "When a Man happens to break in Holland," he says, for one thing, "they say of him that *he has not kept true Accompts*. This Phrase, perhaps, among us would appear a soft or humorous way of speaking, but with that exact Nation it bears the highest Reproach; for a Man to be mistaken in the Calculation of his Expence, in his Ability to answer future Demands, or to be impertinently sanguine in putting his Credit to too great Adventure, are all Instances of as much Infamy, as with gayer Nations to be failing in Courage or common Honesty."

Then, in response to Sir Roger's depreciation of mercantile frugality and parsimony in contrast with the gentleman's charity and hospitality, he asserts tersely and pointedly that, while Sir Roger simply gives to his men, he places his above the necessity or obligation of his bounty by keeping them at work. As to Carthagian faith, he points out that it was a proverb of the Romans who were at war with the Carthagians, a piece of war propaganda. Suppose Mr. Spectator had lived into the present century, he might have made Sir Andrew add, "Didn't the Germans in 1914—1918 scornfully call us British people *Händler* (mercenaries) and themselves Ritter or knights? It's all war!"

Finally a word about the London merchant's retirement. The news is printed in the *Spectator* of Saturday, November 29, 1712 (No. 549), not much more than a year after we heard him hold forth so full of vim and conviction in behalf of the merchant and his mission. We know, of course, that editorial convenience is the primary cause of his unexpected and untimely retirement from business, but since Sir Andrew himself gives his reasons for the step he is taking, we must listen to him and form our own opinion of the matter accordingly. On perusal of his letter sent to the *Spectator* we find, however, that what he calls retirement is nothing but a transfer of his investments from the "Uncertainty of Stocks, Winds and Waves" to the settlement in "Substantial Acres and Tenements;" in short, he is becoming a country gentleman, and "wants to pass the remainder of his life in the enjoyment of what he has." But he is *not* going to be a country gentleman of the traditional type like Sir Roger; his is, so to speak, an *entrepreneurial* kind of country gentleman, a newcomer of this age,

of whom Adam Smith writes in terms of high praise.<sup>71</sup> He is full of plans and new ideas for the improvement and management of his newly-purchased estate :—

This will give me great Opportunity of being charitable in my way, that is in setting my poor Neighbours to Work, and giving them a comfortable Subsistence out of their own Industry. My Gardens, my Fish-ponds, my Arable and Pasture Grounds shall be my several Hospitals, or rather Work-houses, in which I propose to maintain a great many indigent Persons, who are now starving in my Neighbourhood. I have got a fine Spread of improveable Lands, and in my own Thoughts am already plowing up some of them, fencing others; planting Woods, and draining Marshes. In fine, I have my Share in the Surface of this Island, I am resolved to make it as beautiful a Spot as any in Her Majesty's Dominions; at least there is not an Inch of it which shall not be cultivated to the best Advantage, and do its utmost for its Owner. As in my mercantile Employment I so disposed of my Affairs, that from whatever Corner of the Compass the Wind blew, it was bringing one or other of my Ships; I hope as a Husbandman, to contrive it so, that not a Shower of Rain, or a Glimpse of Sun-shine, shall fall upon my Estate without bettering some part of it, and contributing to the Products of the Season.

All this is as may be expected of Sir Andrew Freeport, and it makes us smile to know that even now he does not forget to indulge in a polite dig at Sir Roger's old-type country gentlemen by mention of "a great many indigent Persons who are now starving in my Neighbourhood." But what follows strikes a note one does not often hear from an enterprising man of business: "I am now of Opinion that a Man of my Age may find Business enough on himself, by setting his Mind in Order, preparing it for another World, and reconciling it to the Thoughts of Death.....It will be a great Pleasure to me to say my Prayers twice a Day with Men of

<sup>71</sup> Cf. Smith, *Wealth of Nations*, Bk. III, § 4, where the following observation occurs: "Secondly, the wealth acquired by the inhabitants of cities was frequently employed in purchasing such lands as were to be sold, of which a great part would frequently be uncultivated. Merchants are commonly ambitious of becoming country gentlemen, and when they do, they are generally the best of all improvers. A merchant is accustomed to employ his money chiefly in profitable projects; whereas a mere country gentleman is accustomed to employ it chiefly in expence. The one often sees his money go from him and return to him again with a profit: the other, when once he parts with it, very seldom expects to see any more of it. Those different habits naturally affect their temper and disposition in every sort of business. A merchant is commonly a bold; a country gentleman, a timid undertaker. The one is not afraid to lay out at once a large capital upon the improvement of his land, when he has a probable prospect of raising the value of it in proportion to the expence. The other, if he has any capital, which is not always the case, seldom ventures to employ it in this manner. If he improves at all, it is commonly not with a capital, but with what he can save out of his annual revenue. Whoever has had the fortune to live in a mercantile town situated in an unimproved country, must have frequently observed how much more spirited the operations of merchants were in this way, than those of mere country gentlemen. The habits, besides, of order, oeconomy and attention, to which mercantile business naturally forms a merchant, render him much fitter to execute, with profit and success, any project of improvement."

my Years, who all of them, as well as my self, may have their Thoughts taken up how they shall die, rather than how they shall live."

There is something of the Robinson Crusoe in our eminent London merchant turned a planter—Crusoe the colonizer on his desert island, a thoroughgoing man of will and action but firmly entrenched in his religious way of life.

#### IV

In the foregoing sections I have dealt with Mr. Spectator's economic thought on the somewhat higher plane of his idealism, or his conceptions of what Economy ought to be, rather than what it actually is. In the next two sections I propose to speak about the realistic side of his economic discussions, as much as possible relegating to the background his moralizings on the subject. Our data will now come, in greater plenty, from readers' contributions or Mr. Spectator's own observations released from the armour of his favourite classics.

The first topic I shall take up is *Indolence*, a subject of far graver significance than it looks on the surface, to an economically developing country like England immediately before and during the Industrial Revolution. The synonyms of Indolence are Sloth, Laziness, Idleness, Lack of Ambition and what not. Its antonyms are Industry, Diligence, Ingenuity, Enterprise, Initiative and like words expressive of energy and inventiveness. Put these two lists side by side, and it will readily dawn upon you on which side the preference of an industrial society naturally lies. The curse of Indolence has been persistent since the heyday of Puritanism and all through the period of rapid commercial and industrial development. Christian, in *The Pilgrim's Progress*, at the outset of his pilgrimage sees Sloth together with Simple and Presumption, "fast asleep with fetters upon their heels," all doomed to perdition. Richard Baxter's teaching is fuller and more definite: "Slothfulness and Idleness is a sin that naturally tendeth to want: and God hath cursed it to be punished with poverty. Yea, he commandeth that if any (that is able) will not work, neither should he eat, etc."<sup>72</sup> Bun-

<sup>72</sup> We may remind ourselves here that the original story of Alexander Selkirk which Defoe developed into *The Life and Surprising Adventures of Robinson Crusoe of York, Mariner*, had provided the theme of a fine essay by Steele in *The Englishman*. Selkirk, the real hero of the most extraordinary adventure on the uninhabited island of Juan Fernandez, arrived in England in 1711, the year of the *Spectator's* publication, and Steele actually met and talked with him, embodying the result of the interview in the paper in question, in which we are told that "it was his manner to use stated hours and places for exercises of devotion, which he performed aloud, in order to keep up the faculties of speech, and to utter himself with greater energy."

<sup>73</sup> *A Christian Directory*. § 28, Direction 7—I.



yan and Baxter are both austere in their Puritanism. In the eighteenth century we find a gradual relaxation of that mood but not quite of the substance. We pick this poem from an anthology of the English poetry of the century.<sup>74</sup>

The Indolent

What self-sufficiency and false content  
Benumb the senses of the indolent !  
Dead to all purpose of good, or ill,  
Alive alone in an *unactive will*.  
His only vice in *no good action* lies,  
And his sole virtue is his *want of vice*.  
Business he deems too hard, trifles too easy,  
And doing nothing finds himself too busy.  
Silence he cannot bear, noise is distraction,  
Noise kills with bustle, silence with reflection ;  
No want he feels,—what has he to pursue ?  
To him 'tis less to *suffer*, than to *do*.

The busy world's a fool, the learn'd a sot,  
And his sole hope to be by all forgot :  
Wealth is procur'd with toil, and kept with fear,  
Knowledge by labour purchas'd costs too dear ;  
Friendship's a clog, and family a jest,  
A wife a bad bargain at the best ;  
Honour a bubble, subject to a breath,  
And all engagements vain since null'd by death ;  
Thus all the wise esteem, he can despise,  
And *caring not*, 'tis he alone is wise :  
Yet, all his wish possessing, finds no rest,  
And only lives to know, *he never can be blest*.

But in practical life what indolence must have meant to Englishmen of this century is well expressed by Johnson when he speaks of a gentleman gradually involving his circumstances by bad management: "Wasting a fortune is evaporation by a thousand imperceptible means. If it were a stream, they'd stop it. You must speak to him. It is really miserable. Were he a gamester, it could be said he had hopes of winning. Were he a bankrupt in trade, he might have grown rich ; but he has neither spirit to spend nor to spare. He does not spend fast enough to have pleasure from it. He has the crime of prodigality, and the wretchedness of parsimony. If a man is killed in a duel, he is killed as many a one has been killed ; but it is a sad thing for a man to lie down and die ; to bleed to death, because he has not fortitude enough to sear the wound, or even to stitch it up."<sup>75</sup> Impatience with this sort of mental helplessness is at the root of denunciation of indolence by many eighteenth-century writers. In-

<sup>74</sup> *A Collection of Poems in Six Volumes by Several Hands*, London, 1775, Vol. vi, pp. 294—5.

<sup>75</sup> Boswell, *Life of Johnson*, in four volumes, the third edition, revised and augmented, London, 1799, Vol. III, p. 427.

dolence to them is not quite the same thing as actual laziness in the physical sense, just as Industry is regarded by them as much more than mere diligence or a passive application to any given work.<sup>76</sup>

Now to Mr. Spectator. His humour, of course, is not the same as Dr. Johnson's, but his view of indolence is practically the same. Defining it as "a Stream which flows slowly on, but yet undermines the Foundation of every Virtue," he calls it "a Rust of Mind" or "the Slumber of Mind." It incapacitates you for action, because "a Faculty of doing Things remarkably praise-worthy thus concealed, is of no more Use to the Owner than a Heap of Gold to the Man who dares not use it." Again he says that "the Time we live ought not to be computed by the Number of Years but by the Use has been made of it; thus 'tis not the Extent of Ground but the yearly Rent which gives the Value to the Estate." All through these expressions it is quite obvious that what weighs upon Mr. Spectator's mind is the social or economic wastefulness of indolence. This only confirms my impressions gathered on other occasions, as when he writes compassionately about Will Wimble, when he is disgusted with the beggars swarming around Sir Andrew for alms, or when he amuses his readers with accounts of the "Lowngers;" it is the economic unproductiveness of these confirmed or determined idlers that really goes against his censorious grain. To say that they lack industry in the broad sense would not be strictly true to fact, real or supposed, for in order to figure or even shine in such roles as theirs sufficiently to furnish material for Mr. Spectator's speculations they cannot be devoid of a tolerable stock of industry and ingenuity. And indeed, strange to say, it is by no means against the linguistic usage of the day to speak of the industry of thieves, beggars, sharpers and such-like parasites on "the labour of their good-natured heedless neighbours." The crux of the whole matter, then, is not lack of industry as such but its misdirection or channeling it into canals of social-economic futility, which undoubtedly is at the

<sup>76</sup> Indolence in this sense implies lack of ambition or the spirit of industry the essence of which consists in mental alertness. The merit of having established this apt distinction between "industry" and "diligence" belongs to Mandeville who says: "Diligence and Industry are often used promiscuously, to signify the same thing, but there is a great Difference between them. A poor Wretch may want neither Diligence nor Ingenuity, be a saving Pains-taking Man, and yet without striving to mend his Circumstances remain contented with the Station he lives in; but Industry implies, besides the other Qualities, a Thirst after Gain, and an Indefatigable Desire of meliorating our Condition." (*Fable*, Vol. I, 274) Does not this capture the good Doctor's friend spoken of in this paragraph?

<sup>77</sup> *Spectator* No. 316.

<sup>78</sup> Gay frequently refers to the industry of thieves and pick-pockets in *The Beggar's Opera* (e. g. Act I, sc. 1). Mandeville describes the tricks of "industrious beggars" (*Fable*, pp. 291 & 293) and Addison, as Spectator, tells about the "industry and vigilance" of "the infamous Race of Propagators" or seducers of unfortunate females in Several parts of London (*Spectator* No. 203). In *Spectator* No. 611 we meet with the phrase "industriously spiteful." Mandeville also mentions a cunning tradesman *industriously concealing* the defects of his goods (*Fable*, Vol. I, pp. 49—50).

core of the prevailing odium attached to indolence. When industry is directed to productive purposes, then, and then only, does it become a virtue opposed to the vice of indolence, or as it may be termed in this case, "lack of ambition."

The story, told by Mr. Spectator in No. 54, of a strange sect or club of students at Cambridge called "Lowngers" is of interest here. The maxims of this sect are, First—and this is the fundamental principle upon which their whole system is built—"that Time being an implacable Enemy to and Destroyer of all things, ought to be paid in its own Coin, and be destroyed and murdered without Mercy;" Second, "that Business was designed only for Knaves, and Study for Blockheads;" and Third, "that the Devil is at home." By practising these maxims "the elder Proficients employ themselves in inspecting *mores hominum multorum*, in getting acquainted with all the Signs and Windows in the Town." The distinguishing mark of the loungers is that they have no worldly ambition of any sort, being "satisfied with being merely Part of the Number of Mankind." Their only concern is "to get over the insupportable Labour of doing nothing."

This whole essay is a satire on indolence against gentlemen of leisure, whether of the Universities or in the *beau monde* of London. What the writer is driving at is easily read between the lines, but in treating of Will Wimble and Sir Andrew's beggars, he is far more explicit and spells it all out. After giving a full, vivid and very entertaining account of Will's character and way of life, Mr. Spectator indulges in a melancholy soliloquy on the whole situation.<sup>79</sup>

After withdrawing into my Room after Dinner, I was secretly touched with Compassion towards the honest Gentleman that had dined with us; and could not but consider with a great deal of Concern, how good an Heart and such busy Hands were wholly employed in Trifles; that so much Humanity should be so little beneficial to others, so much Industry so little advantageous to himself. The same Temper of Mind and Application to Affairs might have recommended him to the public Esteem, and have raised his Fortune in another Station of Life.

Interestingly enough, Mr. Spectator's solution of this question is Commerce and Trade.

What Good to his Country or himself might not a Trader or Merchant have done with such useful tho' ordinary Qualifications? *Will Wimble's* is the Case of many a younger Brother of a great Family who had rather see their Children starve like Gentlemen, than thrive in a Trade or Profession that is beneath their Quality. This Humour fills several Parts of Europe with Pride and Beggary.<sup>80</sup> It is the Happiness of a trading Nation,

<sup>79</sup> *Spectator* No. 108.

<sup>80</sup> This fact is referred to with much acumen by Voltaire in the tenth letter in his *Lettres Philosophiques*, in which we read, in part, "Cette coutume...paraît monstrueuse a des Allemands entêtés de leurs quartiers; ils ne sauraient concevoir que le fils d'un Pair d'Angleterre ne soit qu'un riche et puissant Bourgeois, au lieu qu'en Allemagne tout est Prince; on a vu jusqu'à trente Altesses du même nom n'ayant pour tout bien que des armoiries et de l'orgueil."



like ours, that the younger Sons, tho' incapable of any liberal Art or Profession, may be placed in such a Way of Life, as may perhaps enable them to vie with the best of their Family: Accordingly we find several Citizens that were launched into the World with narrow Fortunes, rising by an honest Industry to greater Estates than those of their elder Brothers.<sup>81</sup>

The same view is expressed in Mr. Spectator's twenty-first speculation in which he says that "a well-regulated Commerce...is not to be overstocked with Hands, but, on the contrary, flourishes by Multitude and gives Employment to all its Professors," adding that "Fleets of Merchantmen are so many Squadrons of floating Shops, that vend our Wares and Manufactures in all the Markets of the World, and find out Chapmen under both the Tropicks."

Here a point of some delicacy, apparently only indirectly related to the subject of indolence, but which in fact has a real bearing upon it, arrests our attention. It is the question of education for Commerce and Trade. Mr. Spectator in the passages from which the above quotations are extracted, recommends a trader's career to Will Wimble on the assumption that he is not a bright enough scholar to pursue any of the liberal professions, and that Commerce does not require accomplishments of that high order. We have him irrevocably on record in the following statements:

It is not improbable but *Will* was formerly tried at Divinity, Law or Physick; and that finding his Genius did not lie that Way, his Parents gave him up at length to his own Inventions: But certainly, *however improper he might have been for Studies of a higher Nature,*<sup>82</sup> *he was perfectly well turned for the Occupations of Trade and Commerce.*

The next paragraph is hardly more flattering to Trade and Commerce as intellectual activities.

It is the great Advantage of a trading Nation, that there are very few in it *so dull and heavy*, who may not be in Stations of Life which may give them an Opportunity of making their Fortunes. A well-regulated Commerce is not, like Law, Physick, or Divinity, to be overstocked with Hands. This is hardly fair play to Sir Andrew Freeport who ought to have been given a hearing on this to him vital problem of commercial education. However, it would be well for us to recall that this kind of thought has its root deep even in English history, so that Thomas Fuller, discussing the schoolmaster in the seventeenth century and classifying scholars into four categories, accord-

<sup>81</sup> Defoe in *The Compleat English Gentleman*: "There is also another thing not much thought of in this case (*scil.* rise of bourgeois fortunes), which however assists to establish these modern houses; viz. since trade, by the encrease and magnitude of our commerce in general, raises so many families to fortunes and estates, abundance of our antient gentry have not thought it below them to place out their younger sons in the families of merchants and overgrown tradesmen, and so to mingle not the blood, but the name also of the gentry with that of the mechanick, breeding them up to business and getting of money, as what they esteem no way unworthy their character or family." (*Op. cit.* p. 264)

<sup>82</sup> My italics.

ing to native talent and diligence, explains the fourth as follows:<sup>83</sup>

Those that are invincibly dull, and negligent also. Correction may reform the latter, not amend the former. All the whetting in the world can never set a razor's edge on that which hath no steel in it. Such boys he (the schoolmaster) consigneth over to other professions. Shipwrights and boat-makers will choose those crooked pieces of timber which other carpenters refuse. *Those may make excellent merchants and mechanics which will not serve for scholars.*<sup>84</sup>

To return to indolence, it may be said, by way of conclusion, that Mr. Spectator has nothing good at all to say about it, even when he makes merry over the whims and fancies of the Loungers' Club. Probably he and his age did not find it in themselves to "loafe and invite their souls," as Whitman loafed and invited his a century later. Nay, in our own century, we still encounter such thoughts as the following in the *Fragments* of Alfred Marshall:

Work is not a punishment for fault: it is a necessity for the formation of character and, therefore, for progress. (*Memorials of Alfred Marshall*, p. 367)

Effort is essential to us; therefore, unless we are to be transformed in nature (as well as faculty), there must be something in heaven that we can accomplish, is worthy of accomplishment, and requires effort...These considerations seem to point to the conclusion that the old Anglo-saxon ideal of heaven (as a place where the "hunting grounds" are nobler in scope and character than those of this earth) is more true to the fundamentals of human nature than Asiatic, or even semi-Asiatic, conceptions of it. (*ibid.*)

But it was reserved for Bertrand Russell, among others, to deplore, from the humanist point of view, absorption of the whole man in business, the machine and technology which tends to be his inevitable fate under modern industrialism; Russell seems almost to envy China her Taoism alive with humanistic ideals of Lao-tze which an eighteenth-century Englishman might have called the Gospel of Indolence. This is indeed a far cry from Mr. Spectator!<sup>85</sup>

My next theme is love of money, because it is somehow a natural sequel to the preceding one, desire for pecuniary gain having always and

<sup>83</sup> From *The Holy State and the Profane State*, 1642. This is quoted from *The Good Schoolmaster*, an extract of the same book, in *A Century of English Essays*, Ev. Lib. p. 25.

<sup>84</sup> My italics.

<sup>85</sup> Cf. "*The problem of China*," "*Prospects of Industrial Civilization*" and particularly "*In Praise of Idleness*". In the first essay contained in this last-named book the author confesses that as a youth he was consistently taught to cultivate the virtue of work and avoid the vice of idleness. He writes: "Like most of my generation, I was brought up on the saying: 'Satan finds some mischief still for idle hands to do.' Being a highly virtuous child, I believed all that I was told, and acquired a conscience which has kept me working hard down to the present moment. But although my conscience has controlled my *actions*, my *opinions* have undergone a revolution." (*op. cit.* p. 1) Then about the idleness of European landowners, he says, "Unfortunately their idleness is only rendered possible by the industry of others; indeed their desire for comfortable idleness is historically the source of the whole gospel of work." (p. 13)

in all places served as a powerful antidote to indolence. Besides, there seems to have existed in early modern England a peculiar combination of historical circumstances which made a strong appeal to that human passion as a spur to social progress and a secret spring-head of national prosperity. In the eighteenth century English society found itself very largely, if not completely, freed from the strait-jacket of mediaeval casuistry against *immoderatus amor habendi vel argenti*. Some even went so far as to propound the startling formula: "private vices, public benefits," making love of money typical of the so-called "private vices."<sup>86</sup> Such being the atmosphere of the age, it seems no wonder that Mr. Spectator invites his readers to send in essays on money, a subject of universal appeal to them. (No. 442) The letter printed in No. 450 over the signature of Ephraim Weed is a response to his invitation, but in fact, a satirical piece written by Mr. Spectator himself.

Mr. Spectator takes for the motto of his Ephraim Weed letter words from the Epistles of Horace,

*Quaerenda pecunia primum est, Virtus post nummos,*

which mean that your first business is to get money and pursuit of virtue comes only after that. But what was denounced as an abominable reversal of values in Augustan Rome becomes no rare practice in Augustan England all the moral essays of Pope notwithstanding. Ephraim Weed calls himself a tradesman set up in business in 1660, and who, all through a continuous series of misfortunes that befell him in consequence of the plague and fire of London, has pushed his way to success and fortune. He finds the secret of all this in his insatiable love of money. But love of money, he thinks, is not confined to merchants and tradesmen, for

All Men, through different Paths, make at the common thing, Money; it is to her we owe the Politician, the Merchant, and the Lawyer; nay, to be frank with you, I believe also we are beholden for our *Spectator*. I am apt to think, that could we look into our own Hearts, we should see Money ingrafted in them in more lively and moving Characters than Self-Preservation; for who can reflect upon the Merchant hoisting Sail in a doubtful Pursuit of her, and all Mankind sacrificing their Quiet to her, but most perceive that the Characters of Self-Preservation (which were doubtless originally the brightest) sullied, if not wholly defaced; and that those of Money (which at first was only valuable as a Means to Security) are of late so brightened, that the Characters of Self-Preservation, like a less Light by a greater, are become almost imperceptible? Thus has Money got the Upper Hand of what all Mankind formerly thought most dear, viz. Security; and

<sup>86</sup> This famous thesis of Mandeville, while raising a storm of opposition among moralists, nevertheless has met, at least in substance, with the approval of a large number of impartial thinkers, including Adam Smith and Samuel Johnson. Johnson, in particular, recalls having read *The Fable of the Bees* in his youth and had "his views opened into real life very much." (Boswell, Vol. III, p. 314)



I wish I could say she had here put a Stop to her Victories; but, alas! common Honesty fell a Sacrifice to her. This is the Way Scholastick Men talk of the great Good in the World; but I, a Tradesman, shall give you another Account of this Matter from the plain Narrative of my own Life.

This introduces the interesting life-story, full of extraordinary events and experiences, of an imaginary tobacco-merchant. Although it is no more than a story or fiction, it is touched with the same realistic strokes as one finds in *Robinson Crusoe* and other stories of this period. Both the style and the details given heighten the effect of the illusion.

Ephraim Weed began the world with a modest fortune, but by application soon arrived at "a plumb" or £100,000. In the plague of 1665 he lost his wife and two children but quickly recovered from the affliction by reflecting "how that she and her Children having been no great Expence to me, the best Part of her Fortune was still left; that my Charge being reduced to my self, a Journeyman, and a Maid, I might live far cheaper than before; and that being now a childless Widower, I might perhaps marry a no less deserving Woman, and with a much better Fortune than she brought, which was £800." His view of the difference of the rich and the poor in bearing family losses is also remarkable: namely, that rich people bore them much better than the poor who "having little or nothing beforehand and living from Hand to Mouth, placed the whole Comfort and Satisfaction of their Lives in their Wives and Children, and were therefore inconsolable." The difference, thus comes from economic causes, according to Ephraim Weed. No less remarkable is his narrative of the great fire of 1666:

I did not stand gazing on the Ruins of our noble Metropolis; I did not shake my Head, wring my Hands, sigh and shed Tears; I considered with myself what could this avail; I fell a plodding what Advantages might be made of the ready Cash I had, and immediately bethought myself that wonderful Penny-worths might be bought of the Goods that were saved out of the Fire. In short, with about 2000 *l.* and a little Credit, I bought as much Tobacco as raised my Estate to the value of 10000 *l.*

But what did the shrewd merchant do immediately after this?

*I then looked on the Ashes of our great City, and the Misery of its late Inhabitants, as an Effect of the just Wrath and Indignation of Heaven towards a sinful and perverse People.*<sup>87</sup>

What he tells of his subsequent domestically unhappy, but economically profitable, marriages is all of a piece with the rest of the story, as he records that he found that he had been a gainer by his marriages and the

<sup>87</sup> I think this sentence is a fine stroke of literary craftsmanship on the part of Mr. Spectator. The whole Ephraim Weed letter reminds me of many such pieces written by Saikaku (1642—93) on merchants and their ways of life in the *Genroku* period, towards the end of the seventeenth century. The artistry of Saikaku's realistic sketches is an achievement rarely to be met with in the literature of any country.

damages granted him by the abuses of his bed, "(all Charges deducted) eight thousand three hundred Pounds within a Trifle."

Ephraim Weed's justification of his own consistently economic motives rests on moral and religious grounds.<sup>88</sup> He points out the "good effects of the love of money on the lives of men towards rendering them honest, sober and religious." The first point, on which the reverse argument is also quite possible, is explained by him as follows:

When I was a young Man, I had a Mind to make the best of my Wits, and over-reached a Country Chap in a Parcel of unsound Goods; to whom, upon his upbraiding, and threatening to expose me for it, I returned the Equivalent of his Loss; and upon his Advice, wherein he clearly demonstrated the Folly of such Artifices, which can never end but in Shame, and the Ruin of all Correspondence, I never after transgressed.

And he follows this up with a cynical question:

Can your Courtiers, who take Bribes, or your Lawyers or Physicians in their Practice, or even the Divines who meddle in worldly Affairs, boast of making but one Slip in their Lives, and of such a thorough and lasting Reformation?

Likewise as regards relations between the love of money and religion, he has some pointed remarks to make:

I have ever been a constant Churchman, both Forenoons and Afternoons on *Sundays*, never forgetting to be thankful for any Gain or Advantage I had had that Day; and on *Saturday* Nights, upon casting up my Accounts, I always was grateful for the Sum of my Week's Profits, and at *Christmas* for that of the whole Year. It is true, perhaps, that my Devotion has not been the most fervent; which, I think, ought to be imputed to the Evenness and Sedateness of my Temper, which never would admit of any Impetuosities of any Sort: And I can remember that in my Youth and Prime of Manhood, when my Blood ran brisker, I took greater Pleasure in Religious Exercises than at present, or many Years past, and that my Devotion sensibly declined as Age, which is dull and unwieldy, came upon me.

Evidently the whole picture is overdrawn so as to present a caricature of a greedy merchant "on the make," but it is not, on that account, without some touches of reality.

References to love of money are numerous and frequent in the *Spectator*. Notable among them, besides the letter above discussed, are, for example, stories of European adventurers in quest of gold and fortune. The strange

<sup>88</sup> Compare this with Bailey's half casuistic, half realistic explanation of the proverb, "Money makes the Mare to go," viz. "This Proverb is a good Lesson of *Industry* in our Calling, and *Frugality* in our Expences, intimating its Usefulness. in that it *cloaths* the Naked, *feeds* the Hungry, and buys a Crutch for the Cripple...In a Word, it carries all the Business upon Earth, and there is nothing to be done without it in any Affair, either of Necessity or Convenience; and by its Assistance we may almost work Miracles...Money answers all things." (*Dictionary*, under "Money").

romance of *Inkle and Yarico* which Mr. Spectator writes about in No. 11 turns upon the same theme contrasting the primitive innocence of an American Indian maid with the callousness of a thoroughbred utilitarian, Thomas Inkle, a twenty-year-old son of an eminent citizen of London. It is an old story<sup>89</sup> retouched by Mr. Spectator who tells it as a counter version of the celebrated story of the Ephesian Woman. But here again he brings into sharp focuss the young London merchant's ingrained love of money which makes him not only forsake his bride to whom in his shipwreck he owes his very life, but sell her away as a slave. The dénouement of the story is given by Mr. Spectator in this way :

To be short, Mr. *Thomas Inkle*, now coming into *English Territories*, began seriously to reflect upon his Loss of Time, and to weigh with himself how many Days Interest of his Money he had lost during his Stay with *Yarico*. This Thought made the young Man very pensive, and careful what Account he should be able to give his Friends of the Voyage. Upon which Considerations, the prudent and frugal young Man sold *Yarico* to a *Barbadian* Merchant; notwithstanding that the poor Girl, to incline him to commiserate her Condition, told him that she was with Child by him: But he only made use of that Information, to rise in his Demands upon the Purchaser.

Somewhat along the same line Mr. Spectator in his essay No. 56 speaks of the vision of an American Indian in which he makes a descent into the great repository of souls where he espies "several Molton Seas of Gold" in which are "plunged the Souls of barbarous Europeans, who put to the Sword so many Thousands of poor Indians for the sake of that precious Metal."<sup>90</sup>

Love of money is such a fertile and perennial topic of discussion that it is impossible to introduce here all the materials, raw and finished, that Mr. Spectator has given us on it in the eight volumes of his periodical. Those on two items which, for considerations of space, I have had to refrain from using, or using more fully than I have done, for this paper, I keenly regret, as they are interesting and valuable as early eighteenth-century popular expressions of the problems concerned, viz. Marriage for Money or Conditions of the Marriage Market and "Upstarts" or "Men of Yesterday," as Mr. Spectator so tellingly calls them. On the former there is an entertaining account of Persian fairs and Chinese markets for

<sup>89</sup> "The story of *Inkle and Yarico*" was so popular in the eighteenth century that George Colman (1762-1836), son of the well-known playwright of the same name, adapted it for the stage under the title, *Inkle and Yarico*. Charles Lamb prefixed his essay on *The Superannuated Men* with a quotation from *Inkle and Yarico*, viz. "A Clerk I was in London gay." Lamb, however, gives it erroneously as from O'Keefe. (See *Charles Lamb and Elia*, edited by J. E. Morpurgo, Penguin Books, p. 69)

<sup>90</sup> Cf. Pope, *An Essay on Man*, I, 107-8. "Where slaves once more their native land behold, / No friends torment, no Christians thirst for gold."



marriageable women ending in an appropriate moral, as from the pen of Honeycomb. (*Spectator* No. 510) On the latter we have a typically Spectatorial piece in the letter of "John Enville, Knt." (No. 299), which combines in one text both the theme of an upstart and that of a marriage of pecuniary convenience. If you are, by any chance, interested in that most delicate problem of domestic finance and perhaps felicity, the appropriation of "Pin-Money," the place where you may find enlightenment, both actual and historical, is *Spectator* No. 295. I wish I could have thrown that in for good measure.

After love of money we may now turn, quite naturally, to the "Art of Growing Rich," an attractive subject for everybody in Mr. Spectator's day—and ours, too. This is discussed in No. 283 in charge of Budgell as Mr. Spectator who opens it with a general consideration of wealth. He agrees with Lucian who "rallies the Philosophers of his Time who could not agree whether they should admit *Riches* into the Number of real Goods." As for Mr. Spectator himself,

I am to believe, that as the World grew more polite, the rigid Doctrines of the first (the Professors of the severer Sects) were wholly discarded; and I do not find any one so hardy at present, as to deny that there are very great Advantages in the Enjoyment of a plentiful Fortune. Indeed the best and wisest of Men, tho' they may possibly despise a good Part of those Things which the World calls Pleasures, can, I think, hardly be insensible of that Weight and Dignity which a moderate Share of Wealth adds to their Characters, Counsels and Actions.

This, of course, is a common-sense view of the matter and may be considered a fairly representative idea of wealth prevailing at this time. Then he goes on to answer the popular complaint that rich men are given preference in various professions and trades, by saying: "Supposing both equal in their natural Integrity, I ought, in common Prudence, to fear foul Play from an indigent Person, rather than from one whose Circumstances seem to have placed him above the bare Temptation of Money." The historical example which he cites in illustration of his contention has not lost its validity even in our own day.

This Reason also makes the Commonwealth regard her richest Subjects, as those who are most concerned for her Quiet and Interest, and consequently fitted to be entrusted with her highest Employments. On the contrary, *Cataline's* Saying to those Men of desperate Fortunes, who applied themselves to him, and of whom he afterwards composed his Army, that

<sup>91</sup> As usual, Bailey has an interesting comment to make upon "upstarts" in his *Dictionary*: "For let a Man get never so much Money to buy an *Estate*, he cannot purchase one Grain of GENTLILITY with it; but will remain JACK in the Proverb (*scil.* "Jack will never make a Gentleman") still, without *Learning*, *Virtue*, and *Wisdom*, to *enrich* the Faculties of his Mind, to *enhance* the Glory of his Wealth, and to ennoble his Blood, a Gentleman at Second-hand only, or a vain-glorious *Upstart*." (See under "Gentleman")

*They had nothing to hope for but a civil War,*<sup>92</sup> was too true not to make the Impressions he desired.

How, then, can we accumulate enough wealth to deserve preferment in public offices or distinction in social life? What, in other words, is the way to wealth? Mr. Spectator recommends four infallible methods towards attaining this end, viz. Thrift, Diligence, Method, and Genius. The first two are self-evident and the third, a near-relative of Punctuality, stands for a methodical habit in the disposition of business matters. But the most dynamic of all is the fourth and last condition—Genius. But what is Genius? Certainly not that “native intellectual power of an exalted type”<sup>93</sup> which we today associate with a Shakespeare, an Einstein, perhaps a G. B. S. or any such *rara avis* in different fields of human endeavour. Here Mr. Spectator seems merely to mean Ingenuity, Initiative or Power of Invention, as he writes:

Tho’ the Ways of getting Money were long since very numerous; and tho’ so many new ones have been found out of late Years, there is certainly still remaining a large Field for Invention, that a *Man of indifferent Head* might easily sit down and draw up such a Plan of Conduct and Support of his Life, as was yet never once thought of. We daily see Methods put in Practice by *hungry and ingenious Men*,<sup>94</sup> which demonstrate the Power of Invention in this Particular.

And he illustrates this with a number of examples which are all in a minor key, being taken from casual and more or less trivial cases.

Thus we can say with the N. E. D. that “Genius” in Mr. Spectator’s day was still pedestrian and attainable even for “a man of indifferent mind,” and was not at all what we call in Japanese “*tensai*.” But the interesting point to an economic historian is that this homely “genius” had a definite part to play in the dawn or early period of the Industrial Revolution. In England most of the inventors or improvers of industrial technique or process in the eighteenth century were not eminent scientists or university professors, but common men of practical experience or unusual ingenuity, or in most cases, of both. At all events, it is not at all improper that Mr. Spectator, an eighteenth-century Englishman and an Economist into the bargain, should put so much emphasis upon private initiative under the name of “Genius.” Nor must we forget that his was the “projecting age” which gave free rein to all sorts of new ideas and designs.

Assuming that such is undeniably the case, I cannot yet help feeling that Mr. Spectator is not wholly unmindful of this thing called “Genius” that we of this century make so much of. If he in 1711 had known this its modern sense, I make no doubt whatever that he would have been only

<sup>92</sup> My italics.

<sup>93</sup> Cf. N. E. D. under *Genius*, sense 5, particularly regarding difference between “genius” and “talent.”

<sup>94</sup> My italics.

too glad to hit his nail on the head with a simple and unequivocal "genius" (*tensai*) in the following conclusion of his:

.....what has been said is only intended for Persons in the common Ways of Thriving, and is not designed for those men who from low Beginnings push themselves up to the Top of States, and the most considerable Figures in Life. My Maxim of *Saving* is not designed for such as these, since Nothing is more usual than for *Thrift* to disappoint the Ends of *Ambition*, it being almost impossible that the Mind should be intent upon Trifles, while it is at the same Time forming some great Design.

I may therefore compare these Men to a great Poet, who, as *Longinus* says, while he is full of the most magnificent Ideas, is not always at leisure to mind the little Beauties and Niceties of his Art.

I would however have all my Readers take great Care, how they mistake themselves for uncommon *Genius's*, and Men above Rule, since it is very easie for them to be deceived in this Particular.

So it is these men of a heroic mould, "men above rule," who never pinch and scrape but conjure up, so to speak, enormous, even fabulous, wealth with their native genius for great undertakings. They are Olympians in the Business World.

In this same interesting paper Mr. Spectator gives it as his opinion that trade is not only advantageous to the Commonwealth in general but as the most natural and likely method of making a man's fortune, "having observed since my being a Spectator in the World, greater Estates got above *Change*, than at *Whitehall* or *St. James's*." This remark gives me a clue to my next subject of discussion, which shall be Business as a Method of Money-making or Growing Rich.

On this head, a variety of thoughts crowd in on my mind. Fortunately we have a letter contributed to the *Spectator* (No. 509) by a Hezekiah Thrift (Steele) on the "Business of Money and Advancement of Gain," and which I hope will serve as a suitable "starter." In introducing the letter Mr. Spectator explains that his correspondent's message "delivered in his own homely Maxims and a Kind of proverbial Simplicity" deserves general attention, and that its "Sort of Learning has raised more Estates than ever were, or will be, from Attention to *Virgil*, *Horace*, *Tully*, *Seneca*, *Plutarch*, or any of the rest" who, to this worthy citizen, are ingenious but unprofitable writers.

According to Ezekiah Thrift, the man proper for the business of money and advancement of gain, is a person of a sedate plain good Understanding, not apt to go out of his Way, but so behaving himself at home, that Business may come to him." Unlike his modern counterpart, or unlike Mr. Spectator himself, he must not be a gad-about, but must fight his battles in his home waters. It is to the glory of that valuable citizen, Sir William Turner, that posterity has cherished his most excellent rule, "Keep your



Shop and your Shop will keep you." The keynote of this maxim is steadiness, but steadiness is not always compatible with brilliance of genius. Thrift puts it thus: "It must be confessed that if a Man of a great Genius could add Steadiness to his Vivacities, or substitute slower Men of Fidelity to transact the methodical Part of his Affairs, such a one would outstrip the rest of the World: *But Business and Trade is not to be managed by the same Heads which write Poetry, and make Plans for the Conduct of Life in general.*"<sup>95</sup>

The reason why men of wits and learning do not become rich is, so says our friend, because they despise wealth, or at least do not value it enough to make it an object of their attention. But this would be fatal to merchants and tradesmen, for thereby they would lose their credit which corresponds to honour, reputation, fame or glory in other sorts of men. Consequently "Don't despise money or treat it too lightly—Always make it your serious goal to strive after" is his second maxim. More than that, he would like Mr. Spectator to speculate on such proverbs as "Many a little makes a mickle," "A penny saved is a penny got," "Penny wise and Pound foolish," "It is need that makes the old wife trot."

Far more instructive than all these, however, is Thrift's interpretation of the proverbial phrase "Hobson's choice." Contrary to the popular notion of it as meaning "a choice with no alternative," usually imposed on you out of dire necessity, he would see in it an enforcement of business ethics involving a fair and non-discriminatory treatment of all customers. In plain English the maxim means, "There is Plenty, but you must make such a Choice, as not to hurt another who is to come after you." By this policy Mr. Tobias (or Thomas) Hobson (1544—1631), a liveryman at Cambridge won such confidence among the scholars of that university who rid his horses, each hiring the one that happened to be nearest the stable door, that his business prospered exceedingly. This is the final advice of our correspondent:

"This memorable Man stands drawn in Fresco at an Inn (which he used) in Bishopsgate-street, with an hundred Pound Bag under his Arm, with this Inscription upon the said Bag,

*The fruitful Mother of an hundred more.*

Whatever Tradesman will try the Experiment, and begin the Day after

<sup>95</sup> My italics. It looks as though here Mr. Spectator was laughing in his sleeve at his own expense.

<sup>96</sup> On the importance of credit to merchants Mr. Spectator expresses some fine ideas in his paper No. 218. This is a specimen of them: "The Merit of the Merchant is above that of all other Subjects; for while he is untouched in his Credit, his Hand-writing is a more portable Coin for the Service of his fellow-Citizens, and his Word the Gold of *Ophir* to the Country wherein he resides."

you publish this my Discourse to treat his Customers all alike, and all reasonably and honestly, I will ensure him the same Success."

Mr. Spectator's 546th paper is also concerned with the same problem of business management. He begins with a significant prelude:

It gives me very great Scandal to observe where-ever I go, how much Skill, in buying all manner of Goods, there is necessary to defend your self from being cheated in whatever you see exposed to Sale.

Then after a sling or two at the impudence of some English writers for the stage who make unacknowledged borrowings from foreign authors, he continues:

But I intended to give the Lecture of this Day upon the common and prostituted Behaviour of Traders in ordinary Commerce. The Philosopher<sup>97</sup> makes it a Rule of Trade, that your Profit ought to be the common Profit; and it is unjust to make any Step towards Gain, wherein the Gain of even those to whom you sell is not also consulted. A Man may deceive himself if he thinks fit, but he is no better than a Cheat who sells any thing without telling the Exceptions against it, as well as what is to be said to its Advantage.<sup>98</sup> The scandalous Abuse of Language and hardening of Conscience which may be observed every Day in going from one Place to another, is what makes a whole City to an unprejudiced Eye a Den of Thieve.<sup>99</sup>

In this "Den of thieves," however, it is Mr. Spectator's great pleasure to find a shop so well managed as that of John Moreton, the unfortunate merchant in the late "City Romance."<sup>100</sup> It will be recalled that he was narrowly saved from the shame of bankruptcy by the timely generosity of Sir William Scawen. The story spoke as well for the beneficiary of that generosity as for its dispenser, for no merchant would help a fellow merchant with so vast a sum unless he was deserving of it in every particular. But there is a postscript to that story or romance. Mr. Moreton, after his re-start in business with the fund supplied by Sir William, initiated the custom of cash sales, eliminating credit altogether. Of course,

<sup>97</sup> Aristotle. *Politics*, § 3, n. 11 et seq.; Thomas, *Summa Theologica* II—IIae, Q. 77, art. 1.

<sup>98</sup> Mandeville, *Fable*, Remark (B): "This, I confess, is but a very indifferent Compliment to all the Trading Part of the People...To pass by the innumerable Artifices, by which Buyers and Sellers out-wit one another that are daily allowed of and practised among the fairest of Dealers, shew me the Tradesman that has always discover'd the Defects of his Goods to those that cheapen'd them; nay, where will you find one that has not at one time or other industriously conceal'd them, to the Detriment of the Buyer? Where is the Merchant that has never against his Conscience extoll'd his Wares beyond their Worth, to make them go off the better?"

<sup>99</sup> "We live indeed in a thieving, cheating, and plundering Age; *Cozening* is become a topping Trade, only we have got a genteeler way of stealing now than only to take a Man's Horse from under him on the Highway, and a little loose Money out of his Pocket; our *Rapparees* are Men of better Breeding and Fashion, and scorn to play at such small Game, they sweep away a noble Estate with one slight Brush, and bad both the *Gallows* and *House-Pond* Defiance." (Bailey, *Dictionary*, under "To Steal")

<sup>100</sup> *Spectator* No. 248.

it was a virtue he made of necessity in his straitened circumstances, but there were obvious advantages in this new method. Mr. Spectator reports the news and makes a wise observation on the beauty of business on a strictly cash basis.

The Misfortune of this citizen is like to prove of a very general Advantage to those who shall deal with him hereafter : For the Stock with which he now sets up being the Loan of his Friends, he cannot expose that to the Hazards of giving Credit, but enters into a Ready-Money Trade, by which Means he will both buy and sell the best and the cheapest. He imposes upon himself a Rule of affixing the Value of each Piece he sells to the Piece it self ; so that the most ignorant Servant or Child will be as good a Buyer at his Shop as the most skillful in the Trade. For all which you have all his Hopes and Fortune for your Security. To encourage Dealing after this Way, there is not only the avoiding the most infamous Guilt in ordinary Bartering ; but this Observation, That he who buys with ready Money saves as much to his Family, as the State exacts out of his Land for the Security and Service of his Country ; that is to say, in plain *English*, Sixteen will do as much as Twenty Shillings.

We may count, among other ways to wealth, the above principle through honest trading and non-discriminatory treatment of customers in the matter of prices.

## V

Success in business depends much upon effective advertisement. The original folio *Spectator* carried in each number a large assortment of interesting advertisements,<sup>101</sup> so that one could profitably make a special study of that feature of the periodical. Needless to say, Mr. Spectator is fully aware of the value of "ads" for business and it is strange that he has not speculated on the art of advertising. I believe that he is an excellent advertiser for his own paper, for not long after the price of his paper was raised from three half-pence to two pence owing to the tax on papers, he addressed his readers those exquisite, delightfully witty and tactfully persuasive words to solicit continuance of their patronage which serve as a piece of superb advertisement. They are contained in No. 488 and headed with a happily apposite quotation from Horace's *Satires* which in

<sup>101</sup> Lewis, *The Advertisements of the Spectator*, 1909. An Advertisement like the following, inserted after essay No. 187, is interesting to students of eighteenth-century customs and manners :

### ADVERTISEMENT

Mr. Sly, Haberdasher of Hats at the Corner of Devereux Court in the Strand, gives Notice, that he has prepared very neat Hats, Rubbers and Brushes, for the Use of young Tradesmen in their last Year of Apprenticeship, at reasonable Prices.



itself seems to me a fine initial hit : *Quanti emptae ? Parvo. Quanti ergo ? Octo assibus.* (What doth it cost ? Not much, upon my word. How much, pray ? Why, two pence. Two pence ! O Lord ! Creech) But what he says in the essay itself and of course, how he says it, reveal Addison at his Spectatorial best.

He suggests two expedients to cope with the situation. First, that his readers retrench any smallest particular in their ordinary expenses and squeeze out the extra half penny needed for the new *Spectator*. "Let a Lady," he says, "sacrifice a single Ribband to her Morning Studies, and it will be sufficient : Let a Family burn but a Candle a Night less than the usual Number, and they may take in the *Spectator* without detriment to their private Affairs." The second suggestion is more reasonable as a business proposition, and beautifully expressed :

In the next Place, if my Readers will not go to the Price of buying my Papers by Retail, let them have Patience, and they may buy them in the Lump, without the Burthen of a Tax upon them. My Speculations, when they are sold single, like Cherries upon the Stick, are Delights for the Rich and Wealthy ; after some time they come to Market in greater Quantities and are every ordinary Man's Money. The Truth of it is, they have a certain Flavour at their first Appearance, from several accidental Circumstances of Time, Place and Person, which they may lose if they are not taken early ; but in this Case every Reader is to consider, whether it is not better for him to be half a Year behind Hand with the fashionable and Polite Part of the World, than to strain himself beyond his Circumstances.

Why not, indeed ? The reason is very tempting :

My Bookseller has now about Ten Thousand of the Third and Fourth Volumes, which he is ready to publish, having already disposed of as large an Edition both of first and second Volume. As he is a Person whose Head is very well turned to his Business, he thinks they would be a very proper Present to be made to Persons at Christenings, Marriages, visiting Days, and the like joyful Solemnities, as several other Books are frequently given at Funerals. He has printed them in such a little portable Volume, that many of them may be rang'd together upon a single Plate, and is of Opinion, that a Salver of *Spectators* would be as acceptable an Entertainment to the Ladies, as a Salver of Sweetmeats.

This is Mr. Spectator as his own advertiser. Let us now turn to him as a critic of those sign-posts before tradesmen's doors which are another form of advertisement. In No. 28 an anonymous correspondent (Addison himself) sends Mr. Spectator a letter complaining of the absurdities hung out upon the sign-posts of London. He would see barbarity driven out of the Metropolis and writes a "Satyr upon Projectors in general and a lively Picture of the whole Art of Modern Criticism." The first thing he complains of is the monstrosity of some sign-posts :

Our Streets are filled with blue Boars, black Swans, and red Lions ; not to mention flying Pigs, and Hogs in Armour, with many other Creatures

more extraordinary than any in the Desarts of *Africk*. Strange! that one who has all the Birds and Beasts in Nature to chuse out of, should live at the Sign of an *Ens Rationis*!

The second complaint has to do with unnatural and incongruous combinations in designs, such as "the Bell and the Neats-Tongue," "the Dog and the Gridion." Under this abnormality falls a combination of two different signs into one which is misleading and productive of undesirable effects.

...it is usual for a young Tradesman, at his first setting up, to add to his own Sign that of the Master whom he serv'd; as the Husband after Marriage, gives a Place to his Mistress's Arms in his own Coat. This I take to have given Rise to many of those Absurdities which are committed over our Heads; ..... I would therefore establish certain Rules, for the determining how far one Tradesman may give the Sign of another, and in what Cases he may be allowed to quarter it with his own.

In the third place the correspondent desires a more truthful representation of the wares actually sold at the shop in question:

What can be more inconsistent, than to see a Bawd at the Sign of the Angel, or a Taylor at the Lion? A Cook should not live at the Boot, nor a Shoemaker at the roasted Pig; and yet, for want of this Regulation, I have seen a Goat set up before the Door of a Perfumer, and the *French* King's Head at a Sword-Cutler's.

There are also some tell-tale sign-posts or rather coats-of-arms which give away gentlemen descended from mercantile ancestors.

An Ingenious Foreigner observes, that several of those Gentlemen who value themselves upon their Families, and over-look such as are bred to Trade, bear the Tools of their Forefathers in their Coats of Arms. I will not examine how true this is in Fact: But though it may not be necessary for Posterity thus to set up the Sign of their Forefathers; I think it highly proper for those who actually profess the Trade, to show some such Marks of it before their Doors.

The moral of it all is "Avoid misrepresentation in all cases." The popular Chinese phrase describing unfair representations in commercial dealings is a sign-post metaphor which must suit Mr. Spectator: "Hang out a sheep's head and sell dog-flesh." It is more vivid and graphic than its English counterpart, "Cry up wine and sell vinegar."

Not altogether unrelated to the question of tradesmen's sign-posts is the general subject of "appearance" and particularuy what it means to merchants. Mr. Spectator takes it up in connection with their dress in a letter written in the name of a correspondent (No. 360). He thinks it permissible for merchants, especially young ones, to dress slightly above themselves for the sake of an appearance of decency.

It must be allowed, that any young Fellow that affects to dress and appear genteely, might by artificial Management save ten Pound a Year; as instead of fine Holland he might mourn in Sack-cloth, and in other

particulars be proportionably shabby : But of what great Service would it  
Sum be to avert any Misfortune, whilst it would leave him deserted by  
little good Acquaintance he has, and prevent his gaining any other ?

Mr. Spectator who seems to agree with the author of *The Compleat English Tradesman* in conniving at a certain kind of "trade lies," is definitely "appearance" and declares :

As the Appearance of an easy Fortune is necessary towards making one  
I don't know but it might be of Advantage sometimes to throw into one's  
Discourse certain Exclamations upon Bank-stock and to shew a marvellous  
Surprise upon its Fall, as well as the most affected Triumph upon its Rise.  
The Veneration and Respect which the Practice of all Ages has preserved  
to Appearances, without Doubt suggested to our Tradesmen that wise and  
publick Custom, to apply and recommend themselves to the Publick by  
those Decorations upon their Sign-posts and Houses, which the most en-  
vied Hands in the Neighbourhood can furnish them with.

For this same reason Mr. Osborn advises his son to appear in his "habit  
rather above than below his fortune," telling him "that he will find an habit  
some suit of cloaths always procures some additional respect. Mr. Spectator  
himself has observed that his banker ever bows lowest to him when  
wears his full-bottomed wig, and writes him *Mr.* or *Esq.* "accordingly  
he sees him dress'd."<sup>102</sup> After all, Juvenal is right when he says

Want is the Scorn of a wealthy Fool,  
And Wit in Rags is turn'd to Ridicule.

—Dryden's translation

All of which confirms that for a successful tradesman or merchant  
personal appearance or sartorial considerations are by no means negligible  
but a business necessity. Fine feathers *pass for* fine birds, and that is what  
really counts for Mr. Spectator's tradesmen.

So far I have concerned myself with the doings of merchants and trades-  
men, or with what they are, as well as with what they ought to be  
are not. I have not spoken much about customers, on the tacit assumption  
that "customers are always right." But this assumption does not seem quite  
defensible for the eighteenth century, for judging from what is aired in  
Spectator's columns, London shops were suffering from the frequent visits  
or rather visitations, of a tribe of "sticky customers" called "cheapeners."  
"Cheapening" was then almost a pastime in which people indulged when  
they then wanted, and even when they did not want, to buy things at the shop.  
It was shopping or a part of its process which very often resulted in  
purchase at all. Modern shopping has largely eliminated it, so far as the  
diversional aspect of it is concerned, and with the thing is gone the name  
too. The archaic sense of *cheapen* which still remains in place-names  
*Cheapside* and in its German cousin "many times removed," the v

<sup>102</sup> *Spectator* No. 150.



aufen," is lost to us, together with all its implications. We no longer miss a scene such as this:

Now in contiguous drops the flood comes down,  
Threatening with deluge this devoted town.  
To shops in crowds the daggled females fly,  
*Pretend to cheapen goods, but nothing buy.*

Swift, *A Description of a City-Shower* (1712)

Of course, cheapening was not confined to females; there were men cheapeners as well as female cheapeners. Shakespeare thinks of men as cheapeners of women in lines like "virtuous, or I'll never *cheapen* her" (*Much about Nothing*, II, 23. 33) or "she would make a puritan of the devil, she should *cheapen* a kiss of her" (*Pericles*, IV. 6. 10). We read also of *ys*<sup>103</sup> cheapening goods and a good many other men in Shakespeare's, *y*'s and Mr. Spectator's<sup>104</sup> England doing likewise, either with a serious intention or just for fun.

Generally speaking, to shopkeepers women seem to have been worse cheapeners than men, for—

Miss, the mercer's plague, from Shop to Shop,  
Wandering, and littering, with unfolded silks,  
The polished counter, and approving none,  
Or promising with smiles to call again.

Cowper's *Task* VI.

significantly enough, these women had a special nickname by which they were known among their victims: *Silkworms*<sup>105</sup> Mr. Spectator (Addition), as a matter of fact, did not know its meaning until he happened to be informed of it in one of his town rambles.

I was surprized with this Phrase, but found it was a Cant among the Hackney Fraternity for their best Customers, Women who ramble twice or thrice a Week from Shop to Shop, to turn over all the Goods in Town without buying any thing. The Silk-Worms are, it seems, indulged by the Tradesmen; for though they never buy, they are ever talking of new Silks, Laces and Ribbands, and serve the Owners in getting them Customers, as their common Dunces do in making them pay.<sup>106</sup>

Though Mr. Spectator thus assigns them in part to economic entomology, literature is more interested in the nuisance value of the "silkworms."

Spectator's own columns are filled at times with protests from his

See, for instance, Pepys's *Diary*, under August 18, 1666. "At my little mercer's in St. Dunstons Church-yard, who hath the pretty wench, like the old Queen, and there *cheapened* some of her goods to hang my room."

Mandeville writing in Mr. Spectator's time refers occasionally to cheapening by men as well as women. Cf. *Fable*, Remark (B). "...shew me the Tradesman that has always discover'd the Defects of his Goods to those that *cheapen'd* them." Evidently such people were both men and women.

NED. "Silkworm—a woman given to frequenting drapers' shops and examining goods without buying." Its etymology is not known; presumably the "worm" in it has the same derivation as in "bookworm."

*Spectator* No. 454.

shopkeeping readers against them. Look at this letter from Rebecca.

I am, dear Sir, one of the top China-Women about Town; and though I say it keep as good Things, and receive as fine Company as any o' this End of the Town...I am in a fair way to be easy, were it not for a Club of Female Rakes, who, under Pretence of taking their innocent Rambles, forsooth, and diverting the Spleen, seldom fail to plague me twice or thrice a Day, to cheapen Tea or buy a Screen.....Well, after all this Rocket and Clutter, this is too dear, that is their Aversion; another Thing is charming, but not wanted: The Ladies are cured of the Spleen, but I am not a Shilling the better for it. Lord! what signifies one poor Pot of Tea, considering the Trouble they put me to?<sup>107</sup>

This Rebecca, self-styled "the Distressed," gives these silkworms the epithet of "No-Customers," as "they seldom or never buy any thing." They are compared by her to the "Night-Goblins that take a Pleasure to over-turn the Disposition of Plates and Dishes in the Kitchens of your housewifely Maids."

But it is not from silkworms or night-goblins alone that female shopkeepers have to suffer. City-loiterers are another species of plague to them. Here is the problem of a barmaid.

What I ask of you (*scil.* Mr. Spectator), is to acquaint my Customers (who are otherwise good ones) that I am unavoidably hasped in my Bar, and cannot help hearing the improper Discourses they are pleased to entertain me with...At the same Time half a Dozen of them loil at the Bar staring just in my Face, ready to interpret my Looks and Gestures according to their own Imaginations. In this passive Condition I know not where to cast my Eyes, place my Hands, or what to employ my self in: But this Confusion is to be a Jest, and I hear them say in the End, with an insipid Air of Mirth and Subtlety, Let her alone, she knows as well as we for all she looks so....<sup>108</sup>

This gives Mr. Spectator occasion to add further vagaries of a certain class of buyers.

...This Correspondent is not the only Sufferer in this Kind, for I have long Letters both from the *Royal* and *New Exchange* on the same Subject. They tell me that a young Fop cannot buy a Pair of Gloves, but he is at the same Time straining for some ingenious Ribaldry to say to the young Woman who helps them on. It is small Addition to the Calamity, that the Rogues buy as hard as the plainest and modest Customers they have; besides which they loil upon their Counters half an Hour longer than they need, to drive away their other Customers, who are to share their Impertinences with the Milliner, or go to another Shop. Letters from *Change-Alley* are full of the same Evil and the Girls tell me except I can chace some eminent Merchants from their Shops they shall in a short Time fail.

Summing it all up, Mr. Spectator treats us to his general philosophy of buying and selling with his usual sparkling humour.

<sup>107</sup> *Spectator* No. 336.

<sup>108</sup> *Spectator* No. 155.

Instead of the plain downright lying, and asking and bidding so unequally to what they will really give and take, we may hope to have from these fine Folks an Exchange of Complements. There must certainly be a great deal of pleasant Difference between the Commerce of Lovers, and that of all other Dealers, who are, in a Kind, Adversaries. A sealed Bond or a Bank Note, would be a pretty Gallantry to convey unseen into the Hands of one whom a Director is charged with; otherwise the City Loiterers are still more unreasonable than those at the other End of the Town: At the *New Exchange* they are eloquent for want of Cash, but in the City they ought with Cash to supply their Want of Eloquence.

Nevertheless, when gallant Mr. Spectator goes so far as to say that "it would be as much Impertinence to go into a Shop of one of these young Women without buying, *as into the Shop of any other Trader*,"<sup>104</sup> I must beg leave to suspend judgment and defer expressing my own opinion until I have thought it over at my leisure.

My next topic of discussion is Mr. Spectator's stand on labour in its various ramifications. We have already seen his attitude towards indolence or idleness which he rejects as a negation of productive labour. Then there are several collateral questions, frequently taken up in his periodical, which directly or indirectly relate to the problem of labour. Among these are Population, Charity Schools, Domestic Service, Roguery and Beggary, Men of Industry, and possibly quite many others. I will now consider some of these as Mr. Spectator sees them and as it pleases his humour to reflect on them at varying lengths.

First, as to labour distinguished from sport. Mr. Spectator recognizes this distinction, but fails to base it on economic grounds, except to say that those so circumstanced as to be exempted from labour—landlords and the *rentier* class in general—must seek some means of physical exercise for their health. In this way Sir Roger's fox hunting is ruled out of the Spectatorial definition of labour, which is neatly expressed as follows:

Bodily Labour is of two kinds, either that which a Man submits to for his Livelihood, or that which he undergoes for his Pleasure. The latter of them generally changes the Name of Labour for that of Exercise, but differs only from ordinary Labour as it arises from another Motive.<sup>110</sup>

Mr. Spectator, as may be needless to explain, does not condemn summarily all sources of unearned income as being against social justice. He can smile good-humouredly upon the good knight's preoccupation with his form of exercise, to the exclusion of all productive labour. This seems, however, a concession on his part, as we know and have noted elsewhere his dissatisfaction with rural indolence as exemplified by Will Wimble.

Labour, to Mr. Spectator's mind, is a duty which Nature has imposed upon man, for physical as well as social reasons.

<sup>109</sup> My italics.

<sup>110</sup> *Spectator* No. 115.



And that we might not want Inducements to engage us in such an Exercise of the Body as is proper for its Welfare, it is so ordered that nothing can be procured without it. Not to mention Riches and Honour, even Food and Raiment are not to be come at without the Toil of the Hands and Sweat of the Brows. Providence furnishes Materials, but expects that we should work them up for our selves. The Earth must be laboured before it gives its Encrease and when it is forced into its several Products, how many Hands must they pass through before they are fit for Use? Manufactures, Trade, and Agriculture, naturally employ more than nineteen Parts of the Species in twenty; and *as for those who are not obliged to Labour, by the Condition in which they are born, they are more miserable than the rest of Mankind, unless they indulge themselves in that voluntary Labour which goes by the Name of Exercise.*<sup>111</sup>

An important idea contained in this statement is that of division of labour, social or technical, and to it Mr. Spectator makes repeated reference. An example of it is found in his thoughts on paper manufacture which he discusses in No. 367.<sup>112</sup> Another is Sir Andrew Freeport's reference to the intricate machanism of divided labour in the process of watch-making (No. 232) which will be taken up presently.

The duty of labour is inevitably heavy on the poor to whom eighteenth-century mercantilism looked for a plentiful supply of cheap labour. But the majority of the poor, being placed in conditions of quasi-slavery, had no other incentive to work than the urge of bare subsistence. Mr. Spectator's support of charity schools is, to a great extent, guided by considerations of greater economic efficiency to be achieved through gratuitous education of poor children. In a like mood he pens these lines :

It is generally observed, That in Countries of the greatest Plenty there is the poorest Living ; like the Schoolmen's Ass, in one of my Speculations,<sup>113</sup> the People almost starve between two Meals. The Truth is, the Poor, which are the Bulk of a Nation, work only that they may live ; and if with two Days Labour they can get a wretched Subsistence for a Week, they will hardly be brought to work the other four : But then with the Wages of two Days they can neither pay such Prices for their Provisions, nor such Excises to the Government.<sup>114</sup>

<sup>111</sup> *Spectator* No. 115. The italics are mine.

<sup>112</sup> "Our Paper Manufacture takes into it several mean Materials which would be put to no other use, and affords Work for several Hands in the collection of them, which are incapable of any other Employment. Those poor Retailers whom we see so busie in every Street, deliver in their respective Gleanings to the Merchant. The merchant carries them in Loads to the Paper-Mill, where they pass through a fresh Set of Hands, and give Life to another Trade...It is pleasant enough to consider the Changes that a Linnen Fragment undergoes by passing through the several Hands above-mentioned. The finest Pieces of Holland, when worn to Tatters, assume a new Whiteness more beautiful than their first, and often return in the Shape of Letters to their native Country."

<sup>113</sup> *Spectator* No. 191.

<sup>114</sup> *Spectator* No. 200, supposed to have been written by Henry Martyn.

Mr. Spectator, like most of his contemporaries, believes in a large population of the poor as a favourable condition for competitive international trade. The fact is nowhere made so manifest as in his wailings over common beggary in which he finds so much productive labour thrown away. He puts his thought into the mouth of Sir Andrew:

But of all Men living, we Merchants, who live by Buying and Selling, ought never to encourage Beggars. The Goods we export are indeed the Product of the Lands, but much the greatest Part of their Value is the Labour of the People: But how much of these People's Labour shall we export, whilst we hire them to sit still? The very Alms they receive from us, are the Wages of Idleness. I have often thought that no Man should be permitted to take Relief from the Parish, or to ask it in the Street, till he has first purchas'd as much as possible of his own Livelihood by the Labour of his own Hands; and then the Publick ought only to be tax'd to make good the Deficiency.<sup>115</sup>

If this sort of thing could be done, it would certainly draft a multitude of new labourers into productive channels and reduce the prices of British manufactures accordingly. The economics of it is this:

It is the very Life of Merchandise to buy cheap and sell dear. The Merchant ought to make his Out-set as cheap as possible, that he may find the greater Profit upon his Returns; and nothing will enable him to do this like the Reduction of the Price of Labour upon all our Manufactures. This too would be the ready Way to increase the Number of our foreign Markets: The Abatement of the Price of the Manufacture would pay for the Carriage of it to more distant Countries; and this Consequence would be equally beneficial both to the landed and trading Interests.

He concludes by saying that "as so great an Addition of *labouring Hands*<sup>116</sup> would produce *this happy Consequence both to the Merchant and the Gentleman*;<sup>117</sup> our Liberality to common Beggars, and every other Obstruction to the Increase of Labourers, must be equally pernicious to both."

To Mr. Spectator these labourers are no more than mere "hands,"<sup>118</sup> labouring hands, so that it is not surprising at all that he should be concerned almost exclusively with the advantages for the merchant and the gentleman and give little or no thought to the possibility, far less desirability, of giving a share of the profit realized to one of its chief sources—labour. This only echoes the wide-spread notion of Mr. Spectator's century that labour is a mere commodity and does not represent human personality.

<sup>115</sup> *Spectator* No. 232.

<sup>116</sup> <sup>117</sup> My italics.

<sup>118</sup> The custom of calling labourers or workers "hands" as in "farm hands" and "factory hands" persisted well into the nineteenth century and perhaps later. Edmund Burke's characterization of labourers in his essay on *Scarcity* is decidedly less flattering to them than this. Bailey's definition of "labourer" is "one that does drudgery Work" and "drudgery" is explained as "dirty laborious Work, Slavery."

What is more, people had no manner of qualms about saying so in speech and in print.<sup>119</sup>

Efficiency of production achieved by the ingenious device of division of labour with its many economic advantages is explained by Mr. Spectator from the position of Sir Andrew Freeport, a merchant and an employer of labour, and on the authority of Sir William Petty.<sup>120</sup> In view of its interest and importance, I quote the passage concerned more or less fully.

It is certain that a single Watch could not be made so cheap in Proportion by only one Man, as a hundred Watches by a hundred; for as there is vast Variety in the Work, no one Person could equally suit himself to all the Parts of it; the Manufacture would be tedious, but at last but clumsily performed: But if an hundred Watches were to be made by a hundred Men, the Cases may be assigned to one, the Dials to another, the Wheels to another, the Springs to another, and every other Part to a proper Artist; and there would be no need of perplexing any one Person with too much Variety, every one would be able to perform his single Part with greater Skill and Expedition; and the hundred Watches would be finished in one fourth Part of the Time of the first one, and every one of them at one fourth Part of the Cost, though the Wages of every Man were equal. The Reduction of the Price of the Manufacture would increase the Demand of it, all the same Hands would be still employed and as well paid. The same Rule will hold in the Cloathing, the Shipping, and all the other Trades whatsoever. And thus an Addition of Hands to our Manufactures will only reduce the Price of them; the Labourer will still have as much Wages, and will consequently be enabled to purchase more Conveniences of Life; so that every Interest in the Nation would receive a Benefit from the Increase of our working People.

The paragraph is interesting as one of the earliest signs of the popular attention that the idea of a technical division of labour was beginning to attract in England. It is informing to read that already at this date the device was thought applicable to a large variety of manufactures including watch-making. The fact reminds us that we are fast approaching the factory age, and that the Industrial Revolution is not very far away. Mr. Spectator's

<sup>119</sup> This is probably a convenient place to insert a note on what Mr. Spectator and his century thought of masses of people variously called "mob," "rabble," "multitude" and the like. These terms occur frequently in the literature of the period and reflect the prevailing class pride or superciliousness in its varying shades. But I know of no more forthright expression of this contemporary mood than Bailey's, viz. "the Dregs of People." (*Dictionary*, see under "Rabble.")

<sup>120</sup> Sir William Petty's influence on eighteenth century England was very considerable. His *Political Arithmetick* was published in 1699 and a new edition came out in 1711, so that both the *Spectator* and the *Fable of the Bees* contain reference to the idea of division of labour doubtless through his influence. It is generally agreed, however, that the definite statement of it as a principle, under the name of "division of labour," was the pioneer work of Adam Smith. Mandeville came near that name; he wrote "dividing and sub-dividing labour" but not "division of labour."



enthusiasm for the new method of production is understandable, but his view of its effect upon labourers seems too optimistic. I, for one, feel a little disturbed over his stubbornly mercantilistic defence of a large population of low wage-earners, but that is anticipating history. We have to wait until 1776 to be told that the division of labour is not an unmixed blessing, that it tends to destroy the finer graces of workers as men and citizens, and consequently, that it must have as its necessary corrective an adequate system of public education for the working citizens.<sup>121</sup>

Incidentally Mr. Spectator's advocacy of a large population for national welfare has a mercantilist setting in other respects as well. He regards people, and not territory, as the primary source of wealth, and therefore objects to all wars, especially those for territorial aggrandisement, as futile destroyers of a vast number of precious (that is, economically precious) human lives. "If a severe View were to be taken of their (*scil.* ambitious princes') Conduct," says he, "if the Profit and Loss by their Wars could be justly ballanc'd, it would be rarely found that the Conquest is sufficient to repay the Cost." We remember having heard him say elsewhere that "Trade, without enlarging the British Territories, has given us a kind of additional Empire."<sup>122</sup>

A large population is justified as bringing in riches for the prince and the commonwealth. The idea is in some way reminiscent of the "camera-listic" economic thought epitomized in the maxim "*Pauvre peuple, pauvre roi.*" Mr. Spectator remarks:

The Prince for the public Good has a Sovereign Property in every private Person's Estate; and consequently his Riches must encrease or decrease in Proportion to the Number and Riches of his Subjects. For Example, If Sword or Pestilence should destroy all the People of this Metropolis..., the Queen must needs lose a great Part of her Revenue, or, at least, what is charg'd upon the City must encrease the Burthen upon the rest of her Subjects. Perhaps the Inhabitants here are not above a tenth Part of the Whole, yet as they are better fed, and cloath'd, and lodg'd than her other Subjects, the Customs and Excises upon their Consumption, the Imposts upon their Houses, and other Taxes, do very probably make a fifth Part of the whole Revenue of the Crown. But this is not all; the Consumption of the City takes off a great Part the Fruits of the whole Island; and as it pays such a Proportion of the Rent or yearly Value of the Lands in the Country, so it is the Cause of paying such a Proportion of Taxes upon these Lands.

Nor is it the City alone that is valuable as a source of revenue to the Crown; the masses of the people without property must also be reckoned with, as consumers and therefore as contributors to the royal coffers. Mr. Spectator estimates their number at seven million<sup>123</sup> or seven eighths of

<sup>121</sup> Smith, *Wealth and Nations*, Bk. V, § 1, art. 2.

<sup>122</sup> *Spectator* No. 69.

<sup>123</sup> Mr. Spectator's estimate seems too high. According to J. H. Plumb, "The population was probably, in 1714, about five and a half millions, and from 1714 to 1742, after an initial spurt, there was a very small increase." (*England in the Eighteenth Century*, p. 11)

the whole population of Great Britain and he imagines that three fourths of the entire fruits of the country are consumed by them. He imagines also that two thirds of all the customs and excises are paid by the propertyless masses. Add these two figures relating to consumption together, and you will obtain a fair idea of the economic importance of numbers.

Such is the general drift of Mr. Spectator's argument in favour of a large population. Here we must say again that it can only be rightly understood against its proper historical background, but in his day it represented the intelligent opinion of the country.<sup>124</sup>

Finally, I must refer to some signs of the restlessness of labour. Mr. Spectator does not report much on what we call "labour trouble," although we know that his age was already beginning to have a foretaste of it. Defoe, for instance, contributes a series of articles on "Weavers' Riots against Calicoes," in *Mist's Journal* (1719).<sup>125</sup> Mr. Spectator makes passing mention of "a second button-makers' petition" in his essay No. 176 (Budgell). This is said to be "a reference to a statute of 1709, in the interests of the many thousands of men, women, and children, who depended upon the making of silk, mohair, gimp, and thread buttons and button-holes with the needle."<sup>126</sup>

On the other hand, Mr. Spectator shows a lively interest in the unruliness and misconduct of domestic servants. This is a theme on which we find quite many authors of the period writing with a satirical delight. Swift, Defoe, Mandeville and Steele are specially to be noted among them, and Steele, in particular, has left us some shrewd observations on the subject both as a playwright and as Mr. Spectator. Sociologically these accounts are of special interest as indications of the loosening of master-and-servant relations which was making itself felt in Augustan England. The almost romantic picture Mr. Spectator draws of Sir Roger's perfect relationship with his servants becomes all the more effective when set against scenes of riotous freedom exhibited by London servants and painted by the same gifted pen.

So here we are faced with a contrast between the traditional kind of

<sup>124</sup> Those living in overpopulated parts of the present-day world will read with envy and surprise the following passage from Mr. Spectator's essay here discussed: "That Paradox therefore in old *Hesiod*...Half is more than the Whole, is very applicable to the present Case; since nothing is more true in political Arithmetick, than that the same People with half a Country is more valuable than with the whole. I begin to think there was nothing absurd in Sir *William Petty*, when he fancied if all the Highlands of *Scotland*, and the whole Kingdom of Ireland were sunk in the Ocean, so that the People were all saved and brought into the Lowlands of Great Britain; nay tho' they were to be reimbursed the Value of their Estates by the Body of the People, yet both the Sovereign and the Subjects in general would be enriched by the very Loss." (*Spectator* No. 200)

<sup>125</sup> Lee, *op. cit.* Vol. ii, pp. 136—142 and pp. 144—147.

<sup>126</sup> The *Spectator* (Ev. Lib.) Vol. II, p. 478.

social relations and its modern counterpart that is becoming more and more contractual in character and spirit. It is noteworthy, however, how in both cases Mr. Spectator takes special care to emphasize the economic element as a key-point in master-and-servant relations. Thus Sir Roger's success as a master of servants is attributed, in no small measure, to his well-directed generosity to them, which comes from the fact that

He is so good an Husband, and knows so thoroughly that the Skill of the Purse is the Cardinal Virtue of this Life; knows so well that Frugality is the Support of Generosity, that he can often spare a large Fine when a Tenement falls, and gives that Settlement to a good Servant who has a mind to go into the World, or make a Stranger pay the Fine to that Servant, for his more comfortable Maintenance, if he stays in his Service.<sup>127</sup>

In short, knowing, as a man of honour and generosity, what it is to remain long in the service of another, be he the best person breathing, Sir Roger makes a point of "putting his servants into independent livelihoods" as fast as he is able to do so.

In the case of city servants, too, Mr. Spectator lays hold of an economic factor to which he ascribes the fundamental cause of their corruption. It is the custom of paying them board wages in addition to their regular wages. Commenting upon a letter from Philo-Britannicus giving vent to strong grievances against English servants, he takes occasion to describe the situation in a vivid and entertaining manner.

The Complaint of this Letter runs wholly upon Men Servants; and I can attribute the Licentiousness which has at present prevailed among them, to nothing but what an hundred before me have ascribed it to, The Custom of giving Board-Wages: This one Instance of false Economy, is sufficient to debauch the whole Nation of Servants, and makes them as it were but for some Part of their Time in that Quality.

All this is about the institution of board wages as an instance of false economy, but the consequences are little short of dramatic.

They either are attending in Places where they meet and run into Clubs, or else, if they wait at Taverns, they eat after their Masters, and reserve their Wages for other Occasions. From hence it arises, That they are but in a lower Degree what their Masters themselves are; and usually affect an Imitation of their Manners: And you have in Liveries Beaux, Fops, and Coxcombs, in as high Perfection, as among People that keep Equipages. It is a common Humour among the Retinue of Men of Quality, when they are in these Revels, that is when they are out of their Masters' Sight, to assume in an humourous Way the Names and Titles of those whose Liveries they wear. By which Means Characters and Distinctions become so familiar to them, that it is to this, among other Causes, one may impute a certain Insolence among our Servants, that they take no Notice of any Gentleman though they know him ever so well, except he is an Acquaintance of their Masters.<sup>128</sup>

<sup>127</sup> *Spectator* No. 106.

<sup>128</sup> *Spectator* No. 87.



Steele (Mr. Spectator in this piece) in his play "The Unconscious Lovers" makes Tom, one of the servants, say to his uncle, a butler, "Sir, we servants of single gentlemen are another kind of people than you domestic ordinary drudges that do business—we are raised above you. The pleasures of board wages, tavern dinners, and many a clear gain, vails, alas! you never heard or dreamt of."<sup>129</sup> Another servant in another play of about the same period (Jeremy in Congreve's *Love for Love*) expresses the same feeling when he says to his debt-ridden master, "Sir, you're a Gentleman, and probably understand this fine Feeding (*scil.* Epictetus): But if you please, I had rather be at Board Wages."<sup>130</sup>

Perhaps it looks like an exaggeration to count these antics of liveried servants among symptoms of labour trouble. But when you read that they form themselves into a club to run away with their unwarrantable liberties, they begin to become troublesome. And this suspicion deepens when a contemporary writer of Mr. Spectator comes forward with a more explicit, though facetious, statement.

All noted Eating-Houses and Places that many Gentlemen resort to for Diversion or Business, more especially the Precincts of Westminster-hall, are the great Schools for Servants, where the dullest Fellows may have their Understanding improved; and get rid at once of their Stupidity and their Innocence. They are the Academies for Footmen, where Publick Lectures are daily read on all Sciences of low Debauchery by the experienc'd Professors of them, and Students are instructed in above Seven Hundred illiberal Arts, how to Cheat, Impose upon, and find out the blind side of their Masters, with so much Application, that in few Years they become Graduates in Iniquity.<sup>131</sup>

And this is very serious:

I am credibly inform'd that a parcel of Footmen are arriv'd to that height of Insolence as to have enter'd into a Society together, and made Laws by which they oblige themselves not to serve for less than such a Sum, nor to carry Burdens or any Bundles or Parcel above a certain Weight, not exceeding Two or Three Pounds, with other Regulations directly opposite to the Interest of those they serve, and altogether destructive of the Use they were design'd for. If any of them be turn'd away for strictly adhering to the Orders of this Honourable Corporation, he is taken care of till another Service is provided for them, and there is no Money wanting at any Time to commence and maintain a Lawsuit against any Master that shall pretend to strike or offer any other Injury to his Gentleman Footman, contrary to the Statutes of their Society.<sup>132</sup>

When things come to this pass, I feel sufficiently justified in speaking of early signs of labour unrest, even in Mr. Spectator's England.

<sup>129</sup> Act 1, sc. 1.

<sup>130</sup> Act 1, sc. 1.

<sup>131</sup> Mandeville, *Fable*, Vol. 1, p. 348

<sup>132</sup> *Ibid.*, p. 350.

## SUMMING UP

At the end of my peregrination through the 633 most delightful essays of vivid description and fertile thought which make up the *Spectator*, I feel more than ever convinced of the reality or justifiability of my theme: *Mr. Spectator as an Economist*. While knowing full well that I have not done Mr. Spectator anything at all like justice in the unfamiliar rôle which I may be accused of having thrust upon him, I nevertheless venture to hope that the method of direct narration or quotation of the author's original words, which I have, as far as possible, employed in this paper, has served to reveal him in this own light, as he speculates and holds forth on economy, true and false, and other problems of large social and human interest. The clues, thus revealed, to his character as an economist we may once more piece together and draw with a few bold strokes the lineaments of the man from *our* point of view.

Mr. Spectator, as an early eighteenth-century Londoner living close to the City, is characteristically middle-class in his economic outlook. He is a great friend and admirer of Commerce and Trade, but has only an imperfect sympathy with Agriculture and Rural Economy. Obviously both his excellences and his prejudices are those of Sir Andrew Freeport, rather than those of Sir Roger de Coverley, dearly as he loves this charming country gentleman.

Mr. Spectator, like all true-born Englishmen, is a sincere patriot, although it is doubtful whether he is prepared to go all the way with Sir Roger in believing that "one Englishman can beat three Frenchmen," or that "London Bridge is a greater piece of work than any other of the seven wonders of the world." Nevertheless, his patriotism, slightly old-fashioned as it may seem, is sufficiently strong to combine with his love of Commerce to give him a tinge of mercantilism in spite of his, on the whole, liberal economics. It is this mercantilist-liberalism in him that makes him seem narrow and ungenerous in his attitude towards the poor and almost feudal on the problem of labour. In all this Mr. Spectator is typical of his age, and shares much in common with Defoe and Mandeville, men of a different mould, but for all that, children of that same age.

Mr. Spectator, unlike most middle-class writers, is a classicist of rare distinction. This endows his economics with a high moral tone and a finished literary expression enlivened with humour and alive with humanity—qualities not easily found in students of the Dismal Science or in the economic technicians of our own day. But his classicism in the eight volumes before

us leans visibly towards Cicero and the Latin poets rather than towards Plato or Aristotle, thereby revealing him a man of action even in his classical preferences.

An economist without being an "economy-pedant," to speak Spectatorially, our Author—or, several authors in one—holds the mirror up to the facts and fancies of economic life in Augustan England, at once informing and delighting us with his sundry findings enlightened by wise and always human speculations. In him and through him we read Economics in Literature and Literature in Economics and realize that understanding of Literature is enriched and made more real by a grasp of one of the most vital factors of human existence—the economic. Our journeyings in quest of Truth, whether in literature or in science, do not always proceed along the beaten tracks, but very often begin just where the pavement ends.



# BUSHIDŌ IN ITS FORMATIVE PERIOD\*

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## I

In ancient Japan, where the clan system had been in force for many centuries, it had been customary for the chieftain of each clan, when he received Imperial orders for mobilization, to master the able-bodied members of his clan and lead them to war. By the Revolution of Taikwa 大化 in 646 A. D., however, the clan system was abolished, and the clansmen were scattered. The Imperial Court, thereupon, adopted a system of conscription and drew soldiers in this way from the former clans, though it was not till sixty years later when the *Taihō Code* 大寶律令 was enacted in 701 A. D. that detailed regulations regarding conscription were definitely laid down. The Code of Taihō was modelled after the Chinese legislation of T'ang dynasty, and naturally the new conscription system also followed more or less closely that of T'ang dynasty. It provided, as did the T'ang system, that a garrison (*gundan* 軍團, which literally means a corps) be stationed in every two or three countries (*kōri* 郡), that soldiers be called out by turns so that they might be given military drill, and at the same time be placed on duty to guard the district. Also following the T'ang model, liability to military service extended to men from twenty to sixty years of age. When entering the barracks, newly enrolled soldiers had to bring with them their food, their arms, and even miscellaneous articles that were necessary during marches. But exemptions from military service were of such wide range that not only those who had court rank or official duties were wholly exempted, but those who were in any degree well off had some means or other to escape military service, which was thus in reality a duty exclusively of the poorer class of people. The consequence was that the soldiers were of such poor quality as to prove themselves quite unequal to their duties, and efforts on the part of the Imperial Court to remedy this defect were vain, until, in 792 A. D., conscription was finally done away with, except where guarding was an imperative necessity, and in its stead able-bodied young men numbering from 20 to 30 at the least to 200 at the most were stationed in each province to guard the armoury and the local government office. This inno-

\* I wish to thank Professor Kose for translating my Japanese manuscript into English.

vation also proved unsuccessful and was soon abandoned.

Meanwhile, neglect by the Court in paying due attention to local government, exaction of heavy taxes by the local governors, oppression by the nobility at Kyōto, etc. combined to produce extreme disorder in local government towards the 10th century, and finally what are called "local powerful families" sprang up, all of whom kept numerous private soldiers called *rōtō* 郎等, which set local authorities at naught, and engaged in fighting each other. The Court, now that it had abolished conscription and therefore had no standing army of its own, was powerless to subdue these disorderly local families and maintain peace and order. Accordingly, the local authorities, obtaining Imperial sanction, entrusted the task of maintaining peace and order to some of the most powerful of these local warriors, who thereby grew more and more powerful. The Minamoto 源 and the Taira 平 were two such families who, by means of local power, came to the fore at the central seat of the government. They entered into the service of the Court, assumed the duty of guarding Kyōto, the seat of the Court, and, when Imperial orders were given, went out with their men to put down rebellions of other "local powerful families." The wars of Hogen and Heiji which broke out in 1156 and 1159 respectively, contributed to make them conscious of their own power, and eventually led to give the political power at Court first to Taira-no Kiyomori, the head of the Taira family, and then to Minamoto-no Yoritomo, the head of the Minamoto family, who, on overthrowing his rival family of Taira, established the so-called *Bakufu* 幕府 (military government) in 1185 at Kamakura, and set up a government of the military caste.

The T'ang system of conscription, too, on which ours had been modelled, completely ceased to exist towards the end of the 7th century, which made it impossible to supply relief soldiers from local garrisons who were to take their turn in guarding the capital city. Thus, in the first quarter of the 8th century steps were taken to choose plucky young men from among those who volunteered for the service, and engage them as guards of the capital, while in the provincial districts, somewhat previous to this, the governors had adopted the means of compulsorily enlisting peasants in their own provinces, whereby an army of soldiers was organized to guard the district under their jurisdiction. Neither of these systems, however, could effectually keep peace and order. After great disturbances in the middle of the century, the whole empire of China was thrown into confusion, and the civil governors who had no military power were incapable of performing their duties. This deplorable state gave birth to the creation of what is called *chien-tu-shih* 節度使, and as this post was filled by military men, both military and civil powers soon fell into their

hands. They endeavoured to keep as large an army of their own as possible to expand their power, and handed down their official post as a heritage to their descendants. They defied the authority of the central government and carried on unscrupulous and unlawful administration. The successive sovereigns of the T'ang dynasty during the 9th century were harassed by the arbitrary actions of the eunuchs within, and by the lawless rampancy of the *chien-tu-shih* without. Later, they succeeded, it is true, in getting rid of the excessive evil of the former by making use of the latter's power, but the dynasty was finally overthrown by the *chien-tu-shih* in 909.

The downfall of the T'ang dynasty brought about a state of utter disruption. Five different dynasties rose and fell during half a century. The power of none of these dynasties, however, went further than a part of North China. In other parts of the vast country a number of rival leaders sprang up, and each declaring himself king founded an independent state. Most of these self-styled kings had been *chien-tu-shih*, and the founder of the Sung dynasty who unified these scattered kingdoms and brought them under his sway was one of them.

As we have seen above, there is a close resemblance in the course of events between Japan and China. Practically the same system of conscription was adopted by both, and after its abolition the same outcome, namely, military government, ensued. It must be noted, however, that there was a marked difference between the government of the *chien-tu-shih* and that of the *Bakufu* at Kamakura. In the former, discipline was very lax, civil officials as well as military officers were out to exact heavy taxes, their plundering, it is said, was even worse than downright robbery. Offenders against the law were severely punished without due examination and trial. From ancient times the Chinese people had a traditional dislike for soldiers, which was aggravated by the unscrupulous government of the *chien-tu-shih*. Sung kept strict guard against encroachments by the military on politics, and though China was constantly warried by the invasion of northern barbarians, and eventually suffered the loss of North China, yet she persistently maintained her policy of watchfulness against soldiers and to the last avoided entrusting them with state affairs. In Japan, on the contrary, the evils that had accumulated through two centuries' rule by the bureaucrats at court were swept away by the military government at Kamakura, which enforced strict discipline, maintained public peace, and won the confidence of the upper as well as the lower class of people by administering fair and strict justice. The austere behaviour of the *bushi* 武士 (warriors) produced a sort of ethical code, which, in later ages, came to be called *bushidō* 武士道 and contributed to the improvement of the morals of the Japanese people.



## II

The 10th century which saw the appearance of the warrior class for the first time in history, was the century in which, centering round the Court and noblemen, literature, both Japanese and Chinese, fine arts and crafts etc. flourished under the influence of the T'ang civilization; poetry, calligraphy, music and dance were regarded as indispensable accomplishments for a nobleman. But after all it was a culture limited to the city of Kyōto and its environs; the level of culture in other parts of the country was incomparably lower. Particularly was it so in the eastern provinces which bordered on the zone of the Ezo race and in which both the Minamoto and Taira families took their rise, but precisely because of this very circumstance these eastern provinces were much less influenced by extraneous culture and so much the more retained the original spirit of Japan. Small wonder, then, that, though of the same race and living in the same period, there was a wide divergence between the thoughts and feelings of the nobility and those of the warrior class. What was predominant in the mind of the nobility was T'ang ceremonialism and literature while the warrior cherished and handed down from generation to generation the spirit that was original and native to the Japanese race, and attached more importance to practice than to theory and argument. Ceremony and literature which were of first importance to noblemen meant little to most warriors, while honour, for the sake of which warriors were ready to stake their lives, was what the nobility regarded as worth but scant respect.

A warrior's honour implied, in its positive sense, bravery, skill in the military arts, and zealous exertion to distinguish himself in battle, and, in its negative sense, defiance of death and not turning his back to his enemy. A *bushi* (warrior) was first called *tsuwamono* 兵 (strong man) or *musō* 武者 (man-at-arms), and *bushidō* was accordingly called " *tsuwamono no michi* " (strong man's way) in the 10th and 11th centuries, and staunch adherence to warrior principles through dangers and difficulties was expressed in such words as " *tsuwamono wo tatsuru* " (uphold the warrior's honour) or " *musō wo tatsuru* ." Mere physical courage and defiance of death, however, cannot by themselves have moral significance, and therefore cannot be the breeding-ground of *bushidō*. What then developed ethically into what it later came to mean? It was no other than our ancient custom of ancestor-worship and the traditional sense of moral obligation existing between master and servant. In ancient Japan a custom obtained of considering one's name as part of one's life. Local powerful families gave their own names to neighbouring rivers or fields, and tried thereb

to be remembered by posterity after their death. Children were regarded by parents as transmitters of their names, and when one died without a child one's name was supposed to die with one's death. Instances are found in which an emperor, by way of consolation to his empress or second consort who grieved over her doomed oblivion because of childlessness, organized a group of people called *be* 部 (groups), and gave her name to this group so that her name might be perpetuated.

In China, however, it was regarded as a violation of royal sanctity to call rivers or mountains after the deceased sovereigns, and influenced by this Chinese idea the above Japanese custom was prohibited and the system of *be* was abolished by the great Reform of Taikwa, yet the traditional respect for a personal name remained intact. Only, since the Taikwa Revolution, instead of valuing and leaving a mere name, people began to prize a good name, an honourable name, and were anxious to leave such a name after their death. This spirit of emulation was further stimulated by ancestor-worship, until at last it came to be regarded as the duty of descendants to their ancestors to raise their family name higher and higher and jealously guard it from disgrace of any sort whatever. In one of his messages to his people, the Emperor Jun-nin (758—764) says, "No man but desires to raise and propagate the name of his ancestors……" Ōtomo-no Yakamochi (?-785), a celebrated *Mannyō* poet, left a long poem in which he refers to the illustrious history of his family who generation after generation served the Court as soldiers, exhorts the younger members of his family to respect themselves, encourages them to excel in valour, and finally warns them not to bring disgrace upon their family name. In this way there developed among the people the spirit or the will to raise the family name, guard the honour of ancestors and hand it down everlastingly from generation to generation.

Secondly, as stated above, the warrior class rose and grew as a result of the urgent demand of the helpless people for protection of their life and property when local government was disrupted and local officials oppressed and tyrannized them without compunction. These local powerful families, in turn, sought their own protector in a more powerful family, and thus entered into relationship of lord and retainer with either the Minamoto or the Taira family. Thus we see that the warriors' relationship of lord and retainer consisted in protection on the part of the lord and service and obedience on the part of the retainer. It was not a legal contract between master and servant; the retainer's service and obedience might be legal obligations, but the lord's protection was not. The lord's protection was merely what might be expected by the retainer from his lord, and was regarded by him as a favour. It was therefore necessary for the lord not only to be powerful enough to protect his retainers, but to be worthy enough

of their trust in him. Hence the importance of fidelity as a virtue of the warrior.

Apart from military, political and economic reasons, it was largely due to their high sense of fidelity that the Minamoto and the Taira became distinguished war lords. They did everything to protect their retainers in any circumstances, and members of the same family sometimes fell to quarrelling among themselves on this account. In that age when worship of shrines and temples was sincere and deep, it was a most painful and distasteful thing for warriors to suppress the riots of monks who had turned soldiers. If by any chance the arrows they shot should hit the portable shrine or sacred tree carried by these monk soldiers, they were liable not only to be denounced and cursed by the authorities of the shrine or temple, but also to be reprimanded or even punished by the Court. Though placed in this disadvantageous position, the Minamoto and the Taira obeyed the Imperial commands to suppress the riots, but when it came to the question of punishing their retainers for "sacrilegious" offences they would not easily submit, even when the punishment was expressly demanded by the Court. Again there were many among the retainers of both Minamoto and Taira whose behaviour was riotous and outrageous; the Court demanded them to hand over the offenders to the police of the capital, but they usually put off giving a definite answer and tried every possible means to cover the offenders. The result was that the Court lost direct control of arrests and punishment of the retainers who served these two houses, till, after the establishment of the military government at Kamakura, it became customary with the Imperial Court to practically entrust the *Bakufu* with the task of dealing with judicial cases as far as the *gokenin* 御家人 (the retainers in direct vassalage to the *Shōgun* 將軍) were concerned.

Moreover, when the Court desired to appoint some *gokenin* to an official post, and give him court rank (which was a mere matter of form), the *gokenin* had to obtain a previous understanding from the *Bakufu*, and if he should accept the post or rank without the required understanding, he was duly punished by the *Bakufu*. In short, he had to act and move in accordance with the will of the *Bakufu*, and no interference whatever on the part of the Court was tolerated.

The retainer's duty to his lord in return for his favour was to be loyal and faithful (*chūgi* 忠義) to him, in time of peace as well as of war (*chūgi* means sincerity or fidelity). But by the nature of his profession it was considered the highest form of virtue in the retainer to fight bravely in battle, and, if need be, lay down his life for the sake of his lord. In the middle of the 11th century, Minamoto-no Yoriyoshi was engaged in war for some thirteen long years in the north-east of Japan to subjugate a local powerful family called Abe in the province of Mutsu. Once Yoriyoshi was



surrounded and beaten by his enemy, and it was for some time uncertain whether he had been killed or was still alive. One of his retainers, Tsunenori Saiki by name, fought his way through the thick of the battle, and came out of it with his bare life, but hearing that his lord Yoriyoshi had fallen in battle, he rushed again into the thick of the fight and was killed in the end on the battlefield. Tsunenori's men, again, having lost sight of their master, cut their way through the enemy and made good their retreat, but when they learned their master Tsunenori had died following his lord, they thought it shameful to be alive themselves while their master had followed his lord in death, and turning back cut their way again into the mêlée and fell fighting. Such instances of the retainer's devotion to his master were told from mouth to mouth as inspiring stories, and were handed down from father to son.

As mentioned before, the relations of master and men that prevailed in the warrior class were not based on mutual contract. The duty of the retainer towards his master demanded his devotion to the latter with his life and property. One had only one life. It followed, therefore, that one could not serve two masters at a time, and out of this idea was born the proverb "A faithful retainer does not serve two masters." The relations were originally limited to the two individual persons, that is, the master and the retainer, but as time went on they came to include the latter's family, and it became incumbent on the retainer to offer not his own self only, but his whole family as well, for the service of his master.

To add to this, these relations did not end with death, but generally continued on both sides from generation to generation, which served to strengthen the devotion of the retainer to his master and the love of the master for his retainer. When the Taira family was at its height of prosperity, the Minamoto family lost all power, and young Yoritomo 頼朝, the legitimate heir of the Minamoto family, was exiled as a prisoner to an eastern province, where he was confined in a house, and the hereditary retainers of the Minamoto were reduced to a state of poverty and destitution. Some of them, it is true, changed master and served the house of Taira, but many of them remained faithful to the Minamoto family through years of hardship and distress. In 1180, when Yoritomo rose in arms against the Taira in an eastern province, it was these faithful retainers who rallied round the banner and fought for Yoritomo.

### III

The spirit of *bushidō* appeared in the 10th century with the entrance of *bushi* on the historical stage, but it was after the establishment of the

military regime at Kamakura that it developed and showed its characteristic features. This was mainly due to Yoritomo, who, after setting up the *Bakufu*, took the lead of warriors, held real power over the military police and encouraged his men to cultivate a spirit and manners worthy of warriors.

The military regime at Kamakura lasted for a century and a half, and then fell. This period is historically called the Kamakura period. It has been customary with those who treat of the *bushidō* of this period to use the *Heike-monogatari* and other war stories of a similar kind as materials for it, but it should be borne in mind that these war stories are literary works, and often misrepresent facts. To avoid all possible misunderstandings arising from the use of such unreliable sources, I shall here only make use of the most authoritative and reliable source, i. e. the *Azuma-kagami* 吾妻鏡, which is supposed to have been written by either the *Bakufu* or some official within the *Bakufu*, referring, when necessary, to some other reliable materials.

1. By the nature of his profession, the *bushi* (warrior) esteemed military valour above anything else. The general, therefore, made it a point to proclaim every military exploit of his men and hold them up for imitation by their fellow warriors. Cleverly taking advantage of this sentiment, Yoritomo took every occasion to encourage military valour and setting his men vying with one another in it. In awarding honourable mention to his brave men, Yoritomo often praised them in the highest terms, using such expressions, as "the brave hero in Japan," or "the peerless hero in this country," and his men, in their turn, appreciated such words of praise from their lord as the highest possible honour. Nor did they question much whether the fief awarded them as a reward for their exploits was large or small. The exploit of leading the van in the battlefield was regarded by them as the highest honour, and it frequently happened that several warriors claimed this honour after the battle had ended, making it impossible to decide which of them was really the leader. On one such occasion the *Bakufu* tried to settle the matter by an increase in the fiefs of the contestants, but they would not easily give up their claims.

As might be expected, the warriors looked upon it as cowardly and effeminate to beg for another's mercy or to fear death, and felt it most shameful to do such a thing. Munemori, son of Kiyomori, who was promoted to the post of State minister and who later succeeded his father as head of the Taira family, commanded his army and fought with Yoritomo, and after repeated reverses in battle suffered finally a crushing defeat at Danno-ura in the province of Nagato. He was taken prisoner and sent to Kamakura. Yoritomo, with the kindly intention of giving him honourable treatment as an enemy general, gave him to understand that he was to fall on his

own sword, but when this intention of Yoritomo was made known to him, Munemori showed signs of perplexity and begged Yoritomo to spare his life, expressing his wish, if it were granted, to enter the priesthood. The Kamakura warriors laughed at this cowardly behaviour, of which a most scornful and contemptuous description is given in *Azuma-kagami*.

2. Warriors, both master and his men, had to share the same hardships and the same risk of life in battle, and as they went on repeating this experience time after time, mutual sympathy naturally deepened. The result was that, on the one hand the general was expected to show kindly consideration to his men, and, on the other, loyalty to their master was most rigorously demanded from his men.

No doubt, Yoritomo encouraged this virtue among his vassals. Once when he marched his army and surrounded an enemy general in his castle, one of the soldiers of the enemy offered to surrender, bringing with him the head of the enemy general whom he had treacherously murdered, but not only did Yoritomo refuse the offer, but he denounced the soldier's disloyalty to his master and put him to death, giving thereby a practical lesson of what should be the right relations between master and men. On the other hand, when Yoritomo destroyed Hideyoshi Satake, the head of a powerful family in the province of Hitachi, one of the retainers of Hideyoshi, Yoichi Iwase by name, scorned to submit to Yoritomo, even though he was taken prisoner, for he considered it a shameful act of ingratitude to his dead master to surrender to his enemy. Yoritomo treated him with kindly consideration, and not only spared his life but in the end made him a *gokenin*. A *gokenin*, as mentioned before, was a warrior under the direct control of the *Bakufu*, and to be made one of them was regarded by the warriors of that time as a great honour.

Under the conception that master and men were inseparably united as one body, Yoritomo held the master responsible for his men's misconduct, and sometimes pardoned the master's offence in consideration of his men's meritorious service. To cite an instance: Yoshizane Okazaki, one of Yoritomo's chief vassals, lost his case in a law-suit about land, was convicted of attempted usurpation, and was ordered as a punishment to keep night-watch over the shrine and temples at Kamakura for a hundred days. When Yoshizane had served his sentence for about a month, it happened that one of his retainers captured a bandit at the foot of the Hakone mountains, for which meritorious service Yoshizane was pardoned and released from any further duty of keeping the night-watch.

In pursuance of this policy adopted by Yoritomo, the *Bakufu* continued to attach much importance to the moral relations between master and men, and the *Jōei-shikimoku* 貞永式目, a set of laws enacted in 1232, drew a distinction between land granted as a gift to warriors by the *Bakufu* and



land acquired by the warriors themselves, acknowledging their right of buying and selling in the case of the latter, but prohibiting it in the former, so that their debt of gratitude towards their lord, i. e. the *Shōgun*, might not be forgotten. This Code of Jōei also provided that the master and his descendants were entitled to take back at any time the land which he had given to his retainer if and when the latter turned against him or his descendants. This provision ran counter to the view held by the jurists at the Court in Kyōto that whatever was once given to another person could not be taken back. A resolution adopted in 1248 by the *Hyōjōshū* 評定衆 (Privy Councillors in the *Bakufu*) extended this spirit still further and stipulated that no law-suit whatever between master and man be taken up in the court.

3. As has been repeatedly asserted, the warrior's relations of master and men were not relations based on mutual contract. They consisted on the one hand in the trust of the servitor placed in his master, and the master's sincerity in his efforts to requite it. Faith or fidelity, therefore, was required in the warriors' society as a *sine qua non*. They respected it highly, and sometimes valued it even more than the consideration of whether one was friend or enemy. The following story will serve as a good illustration. There was a warrior named Hideyoshi Sasaki who was a retainer of the Minamoto. In spite of his extreme poverty he remained a faithful adherent to the Minamoto family throughout its reverse of fortune and scorned to serve the Taira. Shigekuni Shibuya, a warrior belonging to the Taira, felt pity and helped him in his struggle to support his family. Meanwhile, Hideyoshi died leaving his wife and four sons. When Yoritomo rose in arms against the Taira, Shigekuni sent all the four sons of Hideyoshi to join Yoritomo's army, while he himself, with his family and retainers, joined the Taira's force. Kagechika Ōba, one of the Taira's generals, demanded Shigekuni to seize Hideyoshi's wife and sons and deliver them over to him, but Shigekuni refused the demand, saying that, though he had been helping Hideyoshi's family, he could not on that account prevent the bereaved brothers from joining Yoritomo's army in response to his summons with the praiseworthy intention to fulfil their plain duty to their old lord. He was indignant, as well he might, at the heartless attitude of Kagechika who, instead of gratefully acknowledging his sincerity in joining the Taira army with all his family and retainers, demanded arrest and delivery of these four brothers. This attitude of Shigekuni's was obviously against the interests of the Taira, but was considered laudable by those warriors who made much of faith or fidelity. Perhaps Kagechika, too, was "almost persuaded." At least the *Azuma-kagami* tells us to that effect.

Another story of the same kind is also recorded in connection with the

Revolt of Yasumura Miura which occurred at Kamakura about seventy years later. Yasumura, an influential man in the *Bakufu*, was suspected of some conspiracy or other by Tokiyori Hōjō, the then *Shikken* 執権 (Prime Minister of the *Bakufu*), and perceiving that danger was imminent, assembled his troops and prepared for war. Tokiyori gathered his troops likewise, and surrounding Yasumura in his residence, assaulted and killed him. Suemitsu Mori, an intimate friend of Yasumura's, used to have confidential talks with him, and they vowed mutual help in case of danger. At first when he received a summons from Tokiyori, Suemitsu was about to respond to the call, but his wife reminded him of his pledge to Yasumura and told him that if he should fail to keep his word, he would surely be denounced by posterity as a recreant. These words deeply moved Suemitsu, who changed his mind and joined Yasumura's camp. Suemitsu's wife, it is true, was Yasumura's sister, but it was neither that circumstance nor his affection for his wife but faith and fidelity that had moved him to change his mind, and it was for this that, though he defied the *Shikken* and sided with a rebel, Suemitsu gained the sympathy of his fellow warriors. Yasuhide Ōye, a member of Suemitsu's family, while on his way to Tokiyori's residence, met with Suemitsu who was going to Yasumura's, but he did not stop him, for divining what was in his relative's mind he thought it wiser to refrain from interfering with his intention to keep his promise to his friend. The *Azuma-kagami* praises this consideration on the part of Yasuhide as most chivalrous and most worthy of a warrior.

4. Next to the above three virtues, the *bushi* valued integrity and disinterestedness, and *bushidō* prohibited plunder and usurpation. In this connection I must call the reader's special attention to the fact that the *bushi* present a striking contrast to the Chinese *chien-tu-shih* who have been most severely criticized by historians for their avarice and selfishness.

It was customary in those days that, when they went out to war in the interest of the *Bakufu*, the warriors generally provided themselves with food and arms, not for themselves alone but also for their men. But when Yoritomo's army drove the Taira army from Kyōto as far west as Danno-ura, Yoritomo's generals were all hard pressed for fresh supplies of food, so much so indeed that some of them even thought of deserting the field of battle and returning to their own provinces. Yoritomo had always made a point of prohibiting riotous and unruly acts of soldiers, who, flushed with victory, were apt to commit outrages, and on this occasion was none the less lenient. Hearing that some soldiers were being driven to plundering for want of food, he sent a special message to give them strict warning against plunder, taking steps at the same time to send them food as quickly as possible.

Even under such distressing circumstances, integrity and disinterestedness,

which was an article of faith for the warrior, was esteemed and practised. Yukihiro Shimokōbe, like other generals, ran short of provisions, and in order to save the lives of his men he had to sell some of his suits of mail and other weapons. When he went over the sea into the province of Bungo, he sold his only suit of mail left in order to buy small boats for carrying his soldiers, and as soon as they landed he led his men and rushed into the enemy line, winning thereby the coveted honour of leading the van. After the Taira army was annihilated, he started with other warriors on his return journey to Kamakura. But before starting he thought of buying some souvenir for his lord Yoritomo. Just at that time a bow reputed to be of the best make in Kyūshū was offered for sale. He wanted to buy it, but as he had no money, nor anything to sell, he stripped himself of one of his two *kosode* (wadded silk garments) and exchanged it for the bow. On his arrival at Kamakura he made known his desire to present the bow to Yoritomo, who, however, would not accept it, as he suspected that Yukihiro had probably taken bribes or committed plunders while he was in Kyūshū, otherwise how could he alone have obtained such a precious thing while all the other fellow generals had been reduced to destitution and distress? However, when he heard Yukihiro's explanation, Yoritomo was moved to tears with gratitude and accepted the present with pleasure, declaring that he would keep it as an heirloom of his family, and in return for it handsomely rewarded Yukihiro with a goodly piece of land.

Yoritomo was thus very strict on the matter of pillage and usurpation, and never allowed it under any circumstances, but on the other hand, his vassals, too, regarded it as shameful. Shigetada Hatakeyama was looked up to as a typical warrior of Kamakura, and his spotless character was recognized and appreciated by Yoritomo, who made him tutor to his eldest son Yoriie. Shigetada had his fief in the province of Ise, the management of which he entrusted to one of his retainers as his bailiff. Now, this bailiff was guilty of some illegal practices, of which the grand shrine of Ise complained to the *Bakufu*. It was what Shigetada himself knew nothing of, and yet Yoritomo held him responsible for it and gave orders to Tsunemasa Chiba to confine him in his (Tsunemasa's) residence, confiscating at the same time four landed estates belonging to him. Shigetada was so painfully impressed with a sense of responsibility that he denied himself both food and sleep and sat in silence and meditation without tasting a single morsel of food in spite of Tsunemasa's earnest entreaty. This fact lasted for seven days, and Tsunemasa, seeing Shigetada's face so worn and wasted, suspected with fear that he was determined to die unless he obtained his lord's pardon. He told Yoritomo about it, and implored him to pardon Shigetada. Yoritomo was touched to the heart by the story, and pardoned him at once. In a talk with his friends over this hard



experience after he was pardoned, Shigetada told them in a moving tone that if one was offered land as a reward by the *Shōgun*, one should first consider whether a man of integrity could be found for the management of the land in one's behalf, and that if it seemed impossible it would be better to decline the offer altogether. And then with a sigh of deep regret he concluded, "To think that I, who have been proud of my own probity and uprightness, should have brought upon myself such shame and disgrace!" Shigetada then returned to his residence in the country, and soon after a rumour was afloat that he was plotting a conspiracy against the *Shōgun* out of spite for the severe punishment he had received. He hurried back to Kamakura and explained himself before the *Shōgun* in vindication of his innocence. One of the *Shōgun* personal attendants then demanded him to write a pledge of loyalty under oath, but Shigetada refused it scornfully, saying "I am not the man to tell a lie. A written oath should only be demanded of such as are likely to tell lies."

It must of course be conceded that all Kamakura warriors were not like Yukihiro or Shigetada; there must have been many who made free use of their abundant energy and prowess in outrageous pillage or usurpation. But Yoritomo, as I have said, prohibited it under heavy penalty, and the warriors, too, had enough conscience to regard it as a shame. They aided each other in building up this moral tone. This punishment of Shigetada by the *Shōgun* for the misconduct of his bailiff was not carried out as a temporary expedient, but as a matter of principle, which is clearly shown by the fact that the Code of Jōei contains a clause providing to the same effect. Shigetada's words that "unless one could find an upright bailiff, one should decline a reward of land" made a deep impression on the minds of the more thoughtful warriors of the time. Shigetoki Hōjō (d. 1261), for example, warned, in his injunctions to his descendants, not to desire a fief without a bailiff worthy to be entrusted with its management.

5. Prior to Yoritomo, those families which held the reigns of government, i. e. the Fujiwara and the Taira, resided in Kyōto, where the former had lived for several centuries in luxury and the latter tried to follow their predecessor in their mode of life. Yoritomo, however, remained at Kamakura, and urged his warriors to practise frugality, he denying himself every sort of luxury, and setting thereby an example.

Noticing that a young attendant engaged on civil business in the *Bakufu* was fond of finery and dressed himself in costly clothes, Yoritomo drew out his sword and cut off the end of the clothes, and said, "Don't you know it is simply because of frugality that even such as you who are without much learning or large estate will be in a position to keep a few men and serve in war?" It was for the purpose of enabling warriors to serve better in war that frugality was encouraged among them; the *Bakufu*, resting

as it did on the fighting power of its warriors, could not well afford to allow luxury among them. Shigetoki Hōjō, just referred to above, was a younger brother of the then *Shikken* Yasutoki (Premier Yasutoki), and in his injunctions to his descendants warns them against extravagance, saying "Do not use costly fans, even if they are presents from others," and again, "Be not luxurious in your dress, food, or dwelling. Let them be according to your station in life, avoiding everything that may strike your friends and colleagues as extravagant." The frugality of *Shikken* Tokiyori Hōjō and his mother Zenni Matsushita, which is recorded in the *Tsurezuregusa*, a collection of essays by Kenkō Yoshida, serves to show how consistently the *Bakufu* pursued this policy since Yoritomo.

Besides, this policy of encouraging frugal habits among warriors was adopted not only by the military regime of Kamakura, but later, in the Muromachi and Edo periods, it became the traditional policy of the military government. The Edo military government, especially, went so far as to lay down minute regulations concerning the clothes worn by the *Daimyō* (feudal lords), the warrior, the farmer and the tradesman respectively, and in every place of life frugality was enforced and luxury was held in check.

These five virtues, namely, valour, loyalty, faith, integrity or probity, and frugality are what were regarded as cardinal virtues in the *bushidō* of the Kamakura period. It is to be noted, however, that *bushidō* was born out of the practical need of the warrior class of that time, and not as a theoretical system of thought enunciated by a group of thinkers. From Yoritomo downwards, the warriors of that period were devout worshippers of the deities of both Shintoism and Buddhism. It was not, however, till the second half of the Kamakura period that the *Zen* sect, which is considered as the warrior's Buddhism, was widely embraced by the warrior-class. During the first half of that period, *Hoke-kyō* 法華經 (the Sutra of the Lotus) was chanted, and the "orthodox" *Jōdo* was popular among the people in general. Shintoism is the national religion, but, in this case again, it was not till the end of the Kamakura period that its tenets began to be expounded by the priests. So also with Confucianism, which gained popularity among warriors towards the latter half of the period. These circumstances make it difficult to judge to what extent these spiritual influences, i. e. Shintoism, Buddhism and Confucianism had to do with the formation of *bushidō*, or which of them had most to do with it, though it is undeniable that they had a considerable influence in its later development.

It is perhaps worth noting that, from Shigetoki onwards, as is seen in his family precepts, stress was laid on the importance of *shōjiki* 正直. The word *shōjiki* has come to mean, in later ages, not telling lies or no duplicity in word and action, but in those days it was used in a wider sense, and

most probably meant, as the Chinese characters show, "justness" and "righteousness" 直, in other words, truthfulness and uprightness. The author of the family precepts just referred to enjoins his descendants to pray to Buddhist and Shinto deities that, first of all, a just and right mind be given them, and expounds that in the military arts as well as in anything else, nothing is more effective than *shōjiki* for "making one's name and cultivating one's virtue." Besides *shōjiki*, the author mentions *giri* 義理 (a sense of justice or a sense of moral obligations), which he says should always be borne in mind. Explaining the meaning of *giri* he says that *giri* requires us not to abandon what is right or truckle to the strong, even at the risk of losing one's life and house, and that he who has a high sense of justice is alone worthy of the name of warrior. After all, to be right and just seems to mean, in the eye of a warrior, to take a firm stand for the moral principle of justice and righteousness. The idea of making truthfulness and uprightness and justice the fundamental principles of *bushidō* was current even after the downfall of the Kamakura regime. In 1338, Takeshige Kikuchi, in his petition presented to the Aso Shrine says:

"I, Takeshige Kikuchi, who was born in a warrior's family, pray to be allowed to raise the name of my family in accordance with the ways of heaven and with the principle of "justice and righteousness," and further, to make my own name, basking in the gracious favour of the Imperial family. I hereby swear that I shall never forget *gi* 義 (justice) in a selfish desire for wealth or reputation, or basely flatter the times." Again, in a book of moral teachings entitled *Chikubasōh* which was written in 1383 by Yoshimasa Shiba, a premier of the Muromachi *Bakufu* the author preaches *shōjiki* (justice and righteousness) and *jiki* 慈悲 (mercy or charity) as a warrior's virtue, saying that "if a man is 'just and right' and also merciful, the gods and Buddha will not forget him even though he may not once offer a prayer or worship at a shrine."

The idea of regarding *shōjiki* (to be just and right) as the chief moral virtue did not make its first appearance during the Kamakura period. It can indeed be traced far back to the 7th century. The court ranks instituted for the first time in 603 A. D. were named after Confucian virtues, but the names of those revised by the Emperor Temmu in 686 may well be considered to have been given in accordance with the moral ideas which were native to our country. The new court ranks were divided into eight classes, the first of which was called *myō* 明 (clearness), the second *jō* 淨 (purity), the third *shō* 正 (justness), and the fourth *jiki* 直 (righteousness). These four were regarded as the highest virtues in Shintoism. Though Confucianism and Buddhism flourished later, still Shintoism, which was as yet without any definite system of tenets, held its sway over the thoughts and feelings of the people, and the virtues of *shō* (justice) and *jiki* (righteousness).



ousness), after a lapse of six hundred years since the time of the Emperor Temmu, were taken up again and resuscitated by *bushidō*. From this point of view *bushidō* may be considered a crystallization of the national thoughts and feelings of Japan.

#### IV

An idea seems to prevail that, under the military regime that lasted for some seven hundred years since the establishment of the Kamakura *Bakufu*, the rights of the people were ignored and the status of woman was that of subjection to man. Such a view, however, does not apply at least to the Kamakura government.

The laws of Kamakura were based on the moral beliefs of the warrior of the time. The *Shikken* Yasutoki Hōjō in a letter to his younger brother Shigetoki, when the compilation of the Code of Jōei was completed, said that since the time of Yoritomo till then the administration of the *Bakufu* had been carried on, not in accordance with any definite set of laws, but with what was believed to be just and right, and that the ultimate purpose of the compilation of the Code was to encourage the retainer's loyalty to his master, the child's duty to his or her parents and the wife's obedience to her husband, and also to suppress the wicked and reward the just.

In this respect, the Code of Jōei agrees with the Code of Taihō (702), which aimed at cultivating the people. The latter, however, was written in such refined and pregnant classical Chinese that it could not be easily understood by the common run of people whose level of literary attainments was by no means high. Yasutoki thought that to make a law that was unintelligible to the common people and punish an offender according to its provisions was tantamount to digging a hole and pushing people into it, and with the object of making his code easily understood, he decided to adopt a mixed style of Japanese and Chinese which was then current among common people. When it was completed, he promulgated it at once through appropriate channels and elucidated at the same time the government's administrative and judiciary principles.

Nor was there any government, before the Meiji era, which gave more deliberate consideration to law-suits and endeavoured more sincerely to see that justice was done in every litigation. The law court of the Kamakura period gave both plaintiff and defendant an opportunity to argue their case three times in writing, and let the litigants present such evidence as would support their case, or claim their rights by citing the Code of Jōei and other laws or precedents. The judge weighed the arguments of each party

in the light of law, called in, if need be, witnesses and experts in order to avoid every possible oversight or error in his examination, and then gave his decision, handing at the same time to each party the sentence in which was stated in detail the judge's own view of their respective claims. That the Kamakura government had such a judiciary system is a clear proof of how it respected personal rights, but also goes to show, incidentally, how eager were the warriors in general to protect their rights and interests. In fact, instances are abundantly found in the *Azuma-kagami* of how they fearlessly claimed what they believed to be their right even against the authority of the *Shōgun* or the *Shikken*, and persisted in carrying through their original purpose.

It is true that in this period, as in the periods before and after it, there was predominance of man over woman, but we must not overlook the fact that the Kamakura government recognized the traditional status of woman peculiar to old Japan and modified the provisions concerning the legal status of woman in the Code of Taihō which had been modelled after the Chinese system of laws. When a woman had no male issue, the Code of Taihō prohibited her from adopting a boy as her son and the result was the extinction of her family. But as this was felt to be a misfortune for the family, especially in those days when ancestor-worship was strong and deep, and continuation of one's family, and, consequently, maintenance and elevation of its name, were considered the plain duty of descendants, the Kamakura government, from Yoritomo onwards, permitted a woman to adopt another's son as heir, and in accordance with this practice a clause was inserted in the Code of Jōei to save such families from extinction.

In the Code of Taihō it was provided that a husband could not divorce his wife against her will except in such circumstances as were recognized by law, but it is doubtful whether in actual fact the wife's position was protected by this provision. If we take into consideration the fact that in the Kamakura period the political power of the Court at Kyōto had declined to such a degree that its influence was so limited that the Code of Taihō was little more than a dead letter, we may safely conclude that it was next to impossible for a wife to look to the said provision in the Code for effective protection of her position. There is no provision of a similar kind in the Code of Jōei, and this fact probably implies a tacit acknowledgment of the husband's right to divorce his wife without her consent. But, on the other hand, the Code of Jōei took care to protect the wife's right of property, and when she was divorced without due reason, prohibited the husband from taking back any landed estate which he had previously given her. On the contrary, when she was divorced on account of her grave faults, any previous promise of such a gift was declared null and void.

Again, the Code of Taihō provides in detail for the father's rights to his children, but not at all for those of the mother, while in the Code of Jōei the same rights of both parents to their children are recognized. According to the common law which was current in the Kamakura period the mother exercised paternal authority over her children after father's death, distributed among them the fortune left by their deceased father, executed his will, and became guardian of her children. The parents were allowed to disown their undutiful children (which was called *gizetsu* 義絶) i. e. deprive them of their right of inheritance as well as all other rights and were also exempted from all legal duties towards them as parents. When the parents were both alive, disowning was generally carried out by the father, but after her husband's death, the mother was allowed to disown her children by herself.

Thus, it appears, on the whole, that woman's status was raised more or less in this period, but it cannot on that account be asserted that the *Bakufu* made any conscious effort to protect her interests, for the Code of Jōei was apparently more severe on woman than the Code of Taihō. The Code of Taihō provided that the father could take back again the property he had given to his sons, but that he could not do so in the case of his married daughters, as the property, on the principle of joint ownership of husband and wife, already belonged by rights to another family. The Code of Jōei on the contrary, allowed the father to do so even in the case of his married daughters, on the ground that, though different in sex, his daughters were his children just as his sons were.

Though neither Code prohibited a widow's remarriage, both considered it morally desirable that she should not remarry after her husband's death but remain in the house and pray for the repose of his departed soul. The Code of Taihō did not allow a remarried wife to have a share in the division of her dead husband's property, while the Code of Jōei viewing remarriage as an act of inconstancy and unfaithfulness to her dead husband went a step further and prescribed that a remarried widow should transfer to her dead husband's children the estate given her by him.

The above facts go to show on the whole that, for a hundred years from the latter half of the 12th century of the latter half of the next century during which the military regime was established, the status of woman was protected by the *Bakufu* better than before or after. Later, however, the economic condition of the warrior class grew straitened, and to secure greater stability of their livelihood, the government gradually put restrictions on the disposal of their estates. The Muromachi *Bakufu* which succeeded the Kamakura *Bakufu* had not enough power to bring the whole country under its sway, and towards its last stage its authority collapsed, till at last the local war lords, freeing themselves from the control of the central government



maintained independence each in his own sphere of influence, and engaged in war with each other. For more than a hundred years the whole country was in the turmoil of war and disturbance. Rival war lords, who were in constant danger of invasion from outside and rebellion from within, had to be on their guard to protect their position and look out for an opportunity to extend their influence. This required a policy of extreme military rule, whereby the rights of the individual were disregarded. Woman's right of property was ignored altogether and she was reduced to a state of subjection to man.

Ieyasu Tokugawa, who succeeded in bringing the country under his authority and in setting up the Edo Shogunate, was one of these rival war lords, and his system of government was the last of that form of government described above. The peace that reigned during the next two centuries and a half was maintained under this system of government, and, consequently, neither personal rights nor the status of woman had any chance to re-assert themselves.

Though the spirit of *bushidō* generally prevailed among the warriors of the Kamakura period, that is not to say that there were none who were influenced by self-interest or betrayed trust, but merely that this spirit was recognized in general as the morale of the warrior-class. Social conditions after the overthrow of the Kamakura regime of which I have spoken above, could not help but shake the warriors' faith in their ethical code, and though the virtues held in high esteem by the Kamakura warriors were still regarded as important moral attributes, they were no longer practised as rigorously as in the Kamakura period. In fact, the moral tone deteriorated so much that no matter how often a warrior might change his master for his advancement, no one would think of censuring him! Few would scruple to betray faith for the sake of mere expediency. But with the settling down of the social order at the beginning of the 17th century, the warrior was again recognized by himself and others as exemplar to the farmer, the artisan, and the tradesman. Whereupon the warrior's interest in morality revived, and *bushidō* dating from the 13th century drew public attention again. Influenced, however, by Confucianism which flourished in this period, those who preached *bushidō* were for the most part Confucian scholars or at least believers in the teachings of Confucius, and *bushidō* which had originally developed from the practical necessities of warriors, came to be popularized by Confucian moral ideas, not only as the morality of the warrior-class but as the cornerstone of national morals.

# THE YU HSIA 游俠 AND THE SOCIAL ORDER IN THE HAN PERIOD

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## I. Introduction<sup>1</sup>

Ssü-ma Ch'ien 司馬遷, as well known, included a chapter *Yu-hsia lich-chuan* 游俠列傳 or "the memoirs of the *Yu-hsia*," in *Shih chi*, 史記 specially for the purpose of displaying the merits of the *yu-hsia*.<sup>2</sup> The *yu-hsia* were described as plebeian heroes, who, being endowed with physical and moral courage, protected the people from dangers at the risk of their lives. Ssü-ma Ch'ien highly admired the chivalrous temperament—the *jên-hsia* 任俠 spirit—of the *yu-hsia* as a valuable factor in maintaining the social order based on the people's sentiment. In their deeds, however, the *yu-hsia* did not hesitate to infringe the State law,—sheltered criminals and refugees, and killed many in avenging relatives and friends. For this reason, historians upholding State authority as Pan Ku 班固<sup>3</sup>, Hsün Yüeh 荀悅<sup>4</sup>, criticized the *yu-hsia* unfavorably as disturbers of State law, and regarded them as outlaws. Shon since the Chan-kuo 戰國 period the legalist such as Han Fei-tzū 韓非子, who had emphasized the strengthening and centralizing of the State power, had denounced the *yu-hsia* as noxious worms which destroy the State.<sup>5</sup>

<sup>1</sup> The editions of the chief source-books quoted in this article, were as follows.

*Shih chi* 史記 from Kametaro Takigawa's edition 史記會註考證

*Han shu* 漢書 from Wang Hsien-chien's edition, *Ch'ien Han shu pu-chu* 前漢書補注

*Hou Han shu* 後漢書 from Wang Hsien-chien's edition, *Hou Han shu chi-chieh* 後漢書集解

*San kuo chih* 三國志 from *Ssü-pu pei-yao* 四部備要 edition.

<sup>2</sup> As to the *yu-hsia* in the Han period, there are two articles, Lao Kan 勞幹, 論漢代的游俠, in "Kuo-li T'ai-wan ta-hsüeh wên shih ch'ê hsüeh pao" 國立臺灣大學文史哲學報 1 (1950), Miyazaki Ichisada 宮崎市定, 游俠について, in "Rekishi to Chiri" 歴史と地理 45 (1934). Both contain valuable views, but they leave something to be desired especially in sociological analysis.

<sup>3</sup> *Han shu*, (Wang's ed.) 72, 186ff. Compare Pan Ku's preface of the *Yu-hsia lich-chuan* in *Han shu* with that of Ssü-ma Ch'ien's in *Shih chi*. Pan Ku also condemn Ssü-ma Ch'ien's description of *yu-hsia*. See *Han shu* 62, 14b.

<sup>4</sup> *Ch'ien Han chi* 前漢紀 (*Ssü-pu ts'ung-k'an* 四部叢刊 ed.) 10, 2b—4b.

<sup>5</sup> *Han Fei-tzū* (Wang Hsien-shên's ed. *Han Fei-tzū chi-chieh* 韓非子集解) 19, (*Wu-fu* 五蠹) p. 5b—6b, p. 12a.

Why did Ssū-ma Ch'ien esteem the *yu-hsia* to the extent of devoting chapter to them? What does it signify that the *yu-hsia* had a great reputation among the people in spite of their illegal acts? These two facts suggest a peculiar element based on the people's sentiment which was inconsistent with the formal administrative mechanism of imperative authority. Starting from this and by tracing up a clue given by the *yu-hsia*, we will make clear the actual social order among the people and its relation with the imperative State order in the period of the Han dynasty.

## II. The Geneology of the "Yu-hsia"

First, we must make study of the *yu-hsia* from the sociological viewpoint, as distinct from the ethical one. As above mentioned, Ssū-ma Ch'ien dwelled favorably on the *yu-hsia*'s usual conduct from the ethical viewpoint, —such as, keeping their word irrespective of life, avenging others, patronizing criminals and refugees in need as clients etc. But we must pay attention to the fact that such temper and conduct functioned as a strong tie which attached many people to the *yu-hsia*, and served to build up the great influence which the *yu-hsia* wielded over people in towns or villages.

For example, it was said that Chu Chia 朱家,<sup>6</sup> a high-principled *yu-hsia*, harbored one hundred distinguished men sought refuge with him, and patronized innumerable men as clients, hence, the people in the eastern provinces were keen to meet him. According to the memoirs, when Chou Ya-fu 周亞夫, a Grand Commandant (*T'ai-wei* 太尉) went on an expedition to suppress the rebellion of the seven kingdoms, he succeeded in winning to his side Chi Mêng 劇孟, a powerful *yu-hsia* at Lou-yan 洛陽, of whom he said joyfully "To win Chi Mêng to my side is equal to conquering a country."<sup>7</sup> This episode suggests the great power of Chi Mêng, which was based on the large extent of personal connection at his command. It is also said that Ki Hsin 季心,<sup>8</sup> an eminent man of *jên-hsia* spirit, had great influence over the people in Kuang-chung 關中, who would willingly offer their lives for his sake. It shows how tight personal relations were between a powerful *yu-hsia* and his followers.

The *yu-hsia* whom Ssū-ma Ch'ien described in the *Yu-hsia lieh-chuan* were plebeians. But the temper shown by the *yu-hsia*, the so called *jên-hsia* spirit, was not limited to the particular class of plebeians. It had been

<sup>6</sup> *Shih chi* (Takigawa's ed.) 124, p. 7.

<sup>7</sup> *Ibid.* 124, p. 8. Cf. *Ibid.* 106, p. 21.

<sup>8</sup> *Ibid.* 100, p. 7.



popularized, in the Han period, among all classes of people, and functioned as a close tie in the personal connections of various political and social groups. Ssü-ma Ch'ien only selected those eminent among plebeians.

In looking for the origin of this *jên-hsia* spirit, we meet four nobles in the Chan-kuo period, famous for this spirit, patronizing thousands of *k'o* 客 (clients). The four nobles were, Mêng-ch'ang-chün 孟嘗君 in Ch'i 齊, Hsin-ling-chün 信陵君 in Wei 魏, P'ing-yüan-chün 平原君 in Chao 趙, Ch'un-shên-chün 春申君 in Ch'u 楚. According to the description of *Shih chi*,<sup>9</sup> Hsin-ling-chün patronized so many clients of ability, that dukes of neighbouring states were afraid of him, and hesitated to attack. This shows that the nobles' power was based on the clients under their patronage. Being of noble status, they condescended to treat hospitably many men in need regardless of birth. Many warriors out of employment, criminal refugees, and outlaws came for help to those nobles and were patronized as clients. It is worthy of attention that the power of the nobles was based on their clients group, not only on their families or clans.

Toward the later half of the Ch'un-ch'iu 春秋 period, the rigid class system within the feudal State began to collapse. In the feudal States of the Chou 周, all sons of aristocrats had received fiefs and posts in the State government, and the hereditary nobility had built up great power based on kinship. But the time soon came when there were so many men of noble ancestry that lands and offices did not suffice to provide for the ever growing number of the nobility. The result was that many descendants of noble families became extremely destitute. In addition to this, through the continual struggles among feudal States, more and more feudal lords and the families of nobles dependent on them, lost their lands. Thus there came into being a large group of men who by ancestry were aristocrats, but who in poverty and in position came near to sharing the lot of plebeians. On the other hand, the economic and social change which had taken place at the end of the Ch'un-ch'iu period, paved the way for the rise of plebeians and the emancipation of serfs. Learning and ability were no longer the monopoly of the nobility, and the urgent demands of the time required new recruits from below. Plebeians came to be emancipated politically, economically, and also in military affairs. Thus from the reduced scions of nobility and these emancipated plebeians, there came into being a large group of free lances who in common were no longer content to accept the status quo, in having no particular employment.<sup>10</sup> Among

<sup>9</sup> *Ibid.* 77, pp. 2—3.

<sup>10</sup> As to the social and economic change which had taken place toward the end of Ch'un-ch'iu period, there are some references. For examples, Ch'i Ssü-ho 齊思和, 戰國制度攷 in *YCHP* 24 (1938) 159—220. Kuo Mo-jo 郭沫若, 古代研究的自我批判, in his *Shih p'i-p'an shu* 十批判書 (Shanghai 1950) pp. 65—75.

these, some intellectuals, studied with teachers and became migratory scholars and wandering politicians. Others became warriors, bravos and outlaws with swords. Having no economic resources, they usually had to depend on the patronage of influential men, and wandered from patron to patron, seeking patronage.<sup>11</sup>

The wandering scholars and politicians have been the object of many studies. But those armed outlaws and the important role they played in the social history during the Chan-kuo period and later, have been relatively neglected.

In *Han Fei tzū* 韓非子, these outlaws with swords were called *hsia* 俠, who valued honour above life, and did not hesitate to break the State law in order to keep their word and principle, and who by forming cliques, were never insulted by others without revenge.<sup>12</sup> The common temper born among the *hsia* was called *jên-hsia* 任俠 spirit. *Jên* 任 means originally "to be faithful in fellowship." In *Mo tzū* 墨子, for instance, the word *jên* was interpreted as having the meaning of "to help others in need at the risk of one's life."<sup>13</sup> Hence, it accords with the meaning of *jên* to treat faithfully those who sought for help like companions, whether they were criminals or refugees. When those *hsia*, who had formed cliques and wielded power in towns and villages, were exiled for crimes, they were often patronized by influential nobles to whom they rendered services as bravos or myrmidons. At that time, it became popular among nobles to collect and patronize the *hsia*, in order to expand their own power beyond the limits possible by the traditional kinship system. To this end, nobles had to accord with the temper and customs of the *hsia*, and some nobles who were most faithful in treatment and who patronized the largest number of clients gained reputation as men of *jên-hsia* spirit. It was said that Mêng-ch'ang chün, a noble of Ch'i, had sixty thousands lawless men under his patronage, and that Hsing ling-chün, a prince of Wei, condescended to good fellowship with those humble people, such as a butcher, a gambler, and a gatekeeper, who were brave and true to principles. Such clients under the patronage of nobles and other influential men were called *k'o* 客. But the relation between the patron and the *k'o* was different from that between lord and vassal. Economically the *k'o* depended on the patron. In this sense, they appeared to have been subordinate to his semi-patriarchal power.

<sup>11</sup> As to this subject, see Fêng Yu-lan 馮友蘭, 原儒墨, in "Ch'ing Hua hsieh pao" 清華學報 10. 2 (1935), and its supplement 原儒墨補, in CHHP. 10. 4 (1935), both were contained in his *Chung-kuo ch'ê hsieh shih pu* 中國哲學史補 (Shanghai 1936) pp. 1-48, 46-61. T'ao Hsi-shêng 陶希聖: *Pien-shih yü Yu-hsia* 辯士與游俠 (Shanghai 1931). The latest was interesting, but not commendable for analysis.

<sup>12</sup> *Han Fei-tzū* (Wang Hsien-shên ed. *Han Fei-tzū chi-chieh*) 19, (*Wu-fu*). p. 6a. p. 7b. p. 12a. (*Hsien-hsüeh* 顯學) p. 14b.

<sup>13</sup> *Mo tzū* (Ssu-pu-ts'ung-k'an ed.) 10, (*Ching A* 經上) p. 1b. (*Ching shuo A* 經說上) p. 7a.

But the relation could not be fully explained only by material dependency. Peculiar irrational and affectionate inclinations were a more important tie in connecting the *k'ò* with the patron. It was the spirit and temper of *jên-hsia* above mentioned. *K'ò*-clients were bound to obedience to their patron by the tie of mutual *jên-hsia* spirit. Though they were fed by the patron, they did not lose their pride as *shih* 士. They did not think there was an insuperable barrier of status between their patron and them. When the patron condescended to treat them faithfully like companions regardless of birth, they exerted themselves for his sake at the risk of their lives.<sup>14</sup> And even when the patron was impoverished, their service continued unchangeable. But when the patron was not faithful in treating them,<sup>15</sup> and infringed the spirit and the custom of *jên-hsia*, they would soon leave him, and went to one more faithful for help.<sup>16</sup>

Thus the personal element operated more effectively than the purely material interest and calculation of advantage. Of course, when this *jên-hsia* spirit was stereotyped into a mere usage of collecting clients, there were many instances when the relation between patron and client was kept up, so long as the material interests of both sides coincided with each other. In such a case, it was usual that when the patron was rich and powerful, clients crowded around him, and when he became poor and powerless, they would soon leave him. But these two different motives, personal and material, did not operate separately. The fact that clients gathered or left in proportion to the rise or fall of the patron's wealth and power, was a natural tendency of free lances who sought for more reliable patronage. This was due to conditions, economic and social, at the Chan-kuo period, when there was no objectified impersonal social order on which everyone could rely. People had no means to protect themselves except by private personal connections. This quest for self-protection led brave and powerful plebeians to attach to themselves many lawless hooligans, whilst nobles endeavoured to attract bold *hsia* to serve under their patronage. The *jên-hsia* spirit was the norm born out of these condition, to maintain an order based on private personal relations. The more unstable the personal connection became by considerations of material interest, the more highly the *jên-hsia* spirit was esteemed as the norm for all classes. The men endowed with the *jên-hsia* spirit gained great reputation and left their name to posterity.

<sup>14</sup> The relation between Hou Ying 侯嬴 or Chu Hai 朱亥 and their patron Hsing-ling-chün showed such instance. *Shih chi* 77. pp. 3—11.

<sup>15</sup> For instance, the relation between Fêng Huan 馮驩 and his patron Mêng-ch'ang-chün. See *Shih chi* 75, pp. 16—25.

<sup>16</sup> An episode in the relation between P'ing-yüan-chün and his clients showed such example. *Shih chi* 76, pp. 2—3.



### III. *The Role Played by the "Yu-hsia" in the Upheaval at the End of the Ch'in Dynasty*

From the above, we may say that the power of the famous four nobles in the Chan-kuo period was, from the sociological viewpoint, of the same character as that of the eminent *yu-hsia* in Han period as Chu Chia 朱家, Chi Mêng 劇孟, Kuo Hsie 郭解, who were described by Ssū-ma Ch'ien in the *Shih chi*. Both were the same social formation based on the personal relation between patron and clients, bound to each other by the norm-consciousness of the *jên-hsia* spirit. The usage of gathering as many clients as possible, prevailed not only among nobles, but probably among powerful plebeians, even in the Chan-kuo period, of which no sufficient material exists in detail. But in the turning period from the Ch'in to the Han period, we meet these plebeians appearing on the stage in a very important political role. Many of the rebelling forces rising in various places against Ch'in, were organized with these bold plebeians as leaders. For example, Chang Erh 張耳, who rose in Chao against Ch'in, setting up a descendant of the King of Chao, Chao Hsieh 趙歇, as new king of Chao, had been at his youth a *yu-hsia* patronized by Hsin-ling-chün in Wei, one of the four nobles in the Chan-kuo period famous for their *jên-hsia* spirit. Later, after committing crimes, he sought refuge in Wai-huang town 外黃, where, marrying a rich heiress, he patronized many clients and built up a petty local power. Soon afterwards, taking advantage of the rebellion of Ch'en Shê 陳涉, he went to the region of Chao, and formed a strong rebel force against Ch'in, attaching many petty local powers to himself. The fact that the power of Chang Erh in Chao was based on his brave client-group, bound closely to him by the *jên-hsia* spirit, was shown by an episode, that his clients, even after his death, made every effort to rescue his son from danger at the risk of their lives.<sup>17</sup> The T'ien family 田氏 arising in Ch'i who set himself up king of Ch'i, was a powerful family of the *jên-hsia* spirit at Ti 狄. T'ien Heng 田橫 was especially famous for his *jên-hsia* spirit. It was said that his clients, yearning after the high *jên-hsia* spirit of their patron, immolated themselves on the death of their patron, and refused the invitation of Kao-tsu 高祖 of the Han dynasty.<sup>18</sup> Hsiang Liang 項梁 was a impoverished scion of the noble in Ch'u, who after committing crimes, sought refuge in Wu 吳, together

<sup>17</sup> *Shih chi* 89, p. 2, 3ff., 20ff.

<sup>18</sup> *Ibid.* 94, p. 2. pp. 10—11.

with his brother's son Hsiang Yü 項羽, where he collected ninety bravos<sup>19</sup> and wielded a petty local influence.<sup>20</sup> The rebelling force of Liu Pang 劉邦, the founder of the Han dynasty, was, in its social character, also not exceptional from those above mentioned. Liu Pang, a son of a peasant at P'ei, was at his youth, according to his father's judgment, a good-for-nothing who did not apply himself to any occupation.<sup>21</sup> He was not content to follow the productive occupations of the members of his family, and associated himself with groups of outlaws. He often committed crimes, and wandered about seeking refuge with various patrons.<sup>22</sup> One of his patrons was the above mentioned Chang Erh, a powerful *yu-hsia* patronizing many clients at Wai-huang.<sup>23</sup> He also fraternized with Wang Ling 王陵, a boss of the *yu-hsia* in P'ei prefecture.<sup>24</sup> As a wandering outlaw, he not only associated himself with groups of *yu-hsia*, but in inclination and temper possessed the spirit and the habits of the *yu-hsia*. When, after spending his younger days as a vagabond, he was appointed chief of the t'ing 亭,<sup>25</sup> a chief of village police, in his native prefecture, he made the close acquaintance of such bold lower officials of the prefecture as Hsiao Ho 蕭何,<sup>26</sup> Ts'ao Ts'an 曹參,<sup>27</sup> Hsia Hou-ying 夏侯嬰,<sup>28</sup> Jên Ao 任敖,<sup>29</sup> etc., and attached to him such lawless hooligans as Fan K'uai 樊噲,<sup>30</sup> Chou Po 周勃,<sup>31</sup> etc., and gained popularity among them. Soon afterwards, he, in his capacity as the chief of a t'ing, had to escort convict laborers to Mount Li. On the way, he unbound and set free all convict

<sup>19</sup> *Ch'u Han ch'un-ch'iu* 楚漢春秋 quoted by *T'ai p'in yu lan* 太平御覽 835, 386.

<sup>20</sup> *Shih chi* 7, pp. 3—4.

<sup>21</sup> *Ibid.* 8, p. 76.

<sup>22</sup> *Ibid.* 50, p. 2; 93, p. 10.

<sup>23</sup> *Ibid.* 89, p. 3.

<sup>24</sup> "Wang Ling was a *hsien hao* 縣豪, ...and a man of *jên-ch'i* 任氣," (*Shih chi* 56, p. 17.) *Hsien hao* means a man of distinguished influence in the prefecture. The expression "*jên-ch'i*" bears a meaning akin to *jên hsia*. Therefore it shows that he was a *Hao hsia* 豪俠, who wielded great influence over the prefecture.

<sup>25</sup> As to t'ing, Lao Kan 勞幹: 漢代的亭制, in the *Bulletin of the Institute of History and Philology (Academia Sinica)* 22, 1951, pp. 129—138. Kamata Shigeo 鎌田重雄, 「漢代鄉官考」, in his *Kandai Shi Kenkyu* 漢代史研究 (1949) pp. 1—31.

<sup>26</sup> *Shih Chi* 53, p. 2.

<sup>27</sup> See Note 30.

<sup>28</sup> *Ibid.* 94, pp. 19—20.

<sup>29</sup> *Ibid.* 96, p. 9.

<sup>30</sup> *Ibid.* 8, p. 17, there Fan K'uai is expressed with the word "*Shao-nien*" 少年. It is worthy of attention that the expression *Shao nien* used in *Shih chi* and *Han shu*, had the special meaning of a "young brave outlaw", "a brave hooligan." See examples of this in *Shih chi* 129, pp. 28—29. *Han shu* 90, p. 11a, *Shih chi* 124, p. 12, 13. *Han shu* 83, p. 30. *Hou Han shu* 77 (mem. 67) p. 7a. *Hou Han shu* 11 (mem. 1) 8b. *Shih chi* 7, p. 8: 89, p. 4: 55, p. 6; 56, p. 4; 92, p. 3.

<sup>31</sup> "Hsiao Ho, Ts'ao Ts'an, Hsia Hou-ying, Chou Po, and Fan K'uai were old friends of the Lord of P'ei (Liu Pang)." (*Ch'en Han chi* 前漢紀 1, p. 4b.). It shows that they had formed an intimate fellowship with Liu Pang before rebelling.

laborers, and together with some stout fellows among them who were willing to follow him, he formed a clique and became a bandit. Hearing of this, many young hooligans in P'ei who had been under his personal influence, and others who had fled and escaped to avoid heavy taxes and corvée labour, went to attach themselves to him. The members of his bandit clique reached several hundreds. Then, taking advantage of the rebellion of Ch'en Shê against Ch'in, he conspired with his fellow-officials of the prefecture, such as Hsiao Ho, Ts'ao Ts'an, killed the magistrate of P'ei, and was set up as Lord of P'ei. Thus his bandit clique, by usurping the official power of local authority which the magistrate of the prefecture had wielded, now grew to be a great rebelling force.<sup>32</sup>

Going through the same process, through which Liu Pang's power grew up, petty local powers in various places became great rebelling forces. As above mentioned, petty local power was based on the personal relation between clients and patron, or between outlaws and their boss, bound closely by the *jên-hsia* spirit. Therefore, this power was naturally limited. In order to expand into a great force able to rebel against the Ch'in authority, they usually usurped the official power which the administrator of a commandery or the magistrate of a prefecture wielded. In such cases, they always maintained close personal connections with lower officials and conspired with them. For example, the power of Hsiang Liang, at first based on a group of clients and outlaws under his influence in Wu, succeeded in expanding into a great rebelling force of eight thousand men, by killing the administrator of Hui-chi commandery 會稽郡 and by usurping power, with the support of officials there.<sup>33</sup> T'ien Tan 田儼, by killing the magistrate of Ti prefecture, usurped his power, and attaching officials to himself, set himself up as king of Ch'i.<sup>34</sup> Ch'in Yin 陳嬰 an official of Tung-yang prefecture 東陽縣, enjoyed so great popularity among hooligans there, that made him chief of the prefecture by killing the magistrate there. Consequently, his power grew to a rebelling force twenty thousand strong.<sup>35</sup> Ch'ing Pu 黥布, a convict laborer at Mount Li, conspiring together with many brave and bold fellows, escaped from there with his clique, and became a bandit chieftain. Owing to his marriage with a daughter of the prefectural magistrate, he gained the help and the support of his father-in-law, and as a result, his power expanded to a great rebelling force.<sup>36</sup>

The rebel force rising against Ch'in in various prefectures, expanded

<sup>32</sup> *Shih chi* 8, pp. 11—17.

<sup>33</sup> *Ibid.* 7, pp. 4—6.

<sup>34</sup> *Ibid.* 94, p. 2.

<sup>35</sup> *Ibid.* 7, p. 8.

<sup>36</sup> *Ibid.* 91, pp. 2—3.



greatly by joining each other. Ch'in Yin and Ch'ing Pu attached themselves to Hsiang Liang. Chang Liang 張良, an exiled noble of the *jên-hsia* spirit, patronizing one hundred odd hooligans, attached himself to Liu Pang.<sup>37</sup> And Liu Pang formed a connection with Hsiang Liang, both setting up the grandson of the late king of Ch'u as King Huai of Ch'u. After the death of Hsiang Liang, Liu pang was sent westward by the king of Ch'u to attack the capital of Ch'in. On his way, he formed a close connection with many local powers and attached many eminent men of ability to himself. ....P'eng Yüeh 彭越, a bandit chieftain collecting one hundred odd hooligans and one thousand odd scattered soldiers,<sup>38</sup> Li Shang 酈商, a boss of outlaws gathering many hooligans and several thousand men,<sup>39</sup> Li Yi-chi 酈食其, a resourceful machavellian,<sup>40</sup> Chang Ts'ang 張蒼, an escaped official of Ch'in<sup>41</sup> court etc.

Thus, these rebels rising at the end of the Ch'in dynasty, were of various birth and status. There were exiled or impoverished nobles, local officials, members of powerful families, boss of outlaws and *yu-hsia*, and even bandit chieftains. But their power and groups were the same in character and structure. The relation between the leader and the following was characterized by close personal connection as seen between patron and client, bound by the emotional tie of the *jên-hsia* spirit prevailing among the people since the Chan-kuo period. Of course, in this age of upheaval purely material interests worked as a great factor in binding them. Han Hsin 韓信, a poor vagabond in his youth, at first attached himself to Hsiang Yü. Because of the low position given to him by Hsiang Yü, he soon left and went to Liu Pang. He was given the highest position there, and built up a great power in Ch'i, but became discontented with his lot.<sup>42</sup> Ch'eng P'ing 陳平, an ambitious young man of *jên-hsia* spirit in the village, at first attached himself with his followers to the king of Wei, but soon left him and went to Hsiang Yü, and again escaping, went to attach himself to Liu Pang.<sup>43</sup> When Hsiang Yü's power began to decline by the superior might of Liu Pang, Ching Pang, a trusted follower of Hsiang Yü left him and went over to Liu Pang.<sup>44</sup> But in these movements, not only the purely material complex of interests, but also ties of personal affection co-operated as motives. Liu Pang was often described as a man of more benevolent character than Hsian Yü. When Hsiang Yü wanted to be sen

<sup>37</sup> *Ibid.* 55, p. 2, 6.

<sup>38</sup> *Ibid.* 90, pp. 4—5.

<sup>39</sup> *Ibid.* 95, p. 14.

<sup>40</sup> *Ibid.* 97, p. 2ff, p. 24ff; 18, p. 117.

<sup>41</sup> *Ibid.* 96, p. 2.

<sup>42</sup> *Ibid.* 92, p. 2, 3, pp. 27—34.

<sup>43</sup> *Ibid.* 56, pp. 3—4, 5—6.

<sup>44</sup> *Ibid.* 91, pp. 6—10.

west to attack the capital of Ch'in, the older general of King Huai of Ch'u said, that Hsiang Yü was too fiery, violent and destructive, and should not be sent, but that Liu Pang who was habitually generous and "an outstanding man of virtue," should go. The expression "an outstanding man of virtue" is a translation from the Chinese "*ch'ang-chê*" 長者. *Ch'ang-chê* originally means "elders" and generally an "outstanding man of virtue." In the earlier period of the former Han dynasty, it was often used to denote "an outstanding man in the *jên-hsia* spirit." Those who were described as *Ch'ang-chê* at the turning period from Ch'in to Han in *Shih chi*, were almost all high principled men of the *jên-hsia* spirit. At that time the *jên-hsia* spirit was considered one of the most important virtue by the people. The fact that Liu Pang was inclined to the *jên-hsia* spirit was shown by his admiration from his younger days of the *jên-hsia* spirit of Hsin-ling-chün in Wei,<sup>45</sup> and by his applause of *jên-hsia* spirit of the above mentioned clients attached to Chang Ehr and T'ien Hêng in spite of their rebelling against him.<sup>46</sup> The strategy which many of Liu Pang's staff advised him to adopt in attacking Hsiang Yü, was to take advantage of his narrow mindedness and his loose connection with his following.<sup>47</sup> Personal relations between Liu Pang and his co-workers were much closer due to his personality.

As soon as Liu Pang defeated Hsiang Yü and established the Han empire, his power and his group began to change in character. When he became the emperor of Han, his co-workers who had been connected with him by the tie of *jên-hsia* custom, were now appointed by him feudal kings or marquises with fiefs. In order to check the relaxation of his personal relation with them which resulted from economic decentralization, the power of the emperor had to be strengthened to centralized absolutism. Political measures to curtail the power of the kings and marquises had to be adopted. New administrative staffs to do the emperor's bidding had been appointed to manage the growing expanding imperial domain. Thus, in the last quarter of the second century B. C. the central government of Han succeeded completely in its direct grip over the empire, and controlled it through the administrative mechanism of a patrimonial beureaucracy called the *Chün Hsien* 郡縣 system. The ties connecting the emperor with the new officials were no longer those of *jên-hsia*. Officials were bound to absolute obedience to the all-powerful emperor by the tie of imperative authoritarianism, which had once characterized the government of Ch'in. The authority of the hereditary "charisma" given to the throne, rather than the personality of the

<sup>45</sup> *Ibid.* 77, p. 16.

<sup>46</sup> *Ibid.* 94, p. 11.

<sup>47</sup> *Ibid.* 92, pp. 6-9; 56, pp. 9-10.

emperor as an individual, was conceived as the origin of all power.

How did this administrative machinery relate with the petty local power of the *yu-hsia* still deep-rooted among plebeians as described in the "*Yu-hsia lieh-chuan*" of *Shih chi*? How did the imperative State order maintained by the local officials of *chiün* 郡, *hsien* 縣, *hsiang* 鄉 and *t'ing* 亭, relate with the social order still maintained by the powerful *yu-hsia* among the people?

#### IV. *The Peculiar Social Order Maintained by the "Yu hsia" and its Relation with Government Authority in the Han Period*

When inquiring into the peculiarity of the social order among plebeians in the Han period, attention must be paid to the prevalence of vendetta as frequent everyday occurrences in spite of its prohibition by law. This vendetta occurred between families, when not only the members, but also relatives or friends of a family were killed, wounded or insulted by another family. This was not only among plebeians, but also between a official and a family whose members were punished by him for crimes. Instances of vendetta described in *Han shu* and *Hou Han shu* were too numerous to be mentioned here. Pao Hsüan 鮑宣, a Grandee Remonstrants (*Chien-ta-fu* 諫大夫) of the former Han dynasty reported to the emperor that there were seven usual causes which brought people to death, and one of them was the vendetta.<sup>48</sup> Huan T'an 桓譚, a famous scholar of the later Han period, reported to the emperor, "Owing to the prevalence of vendetta, people killed and wounded each other, and even after they were punished by law, their descendants kept on revenging themselves on each other. As a result, many families were often brought to ruin. In spite of such abuses, people praised the vendetta for its manliness and fortitude, and even those timid and weak were encouraged to take revenge."<sup>49</sup>

Such vendetta, as shown by the formula<sup>50</sup> "to take revenge with the help of *k'o* 客 (clients)," was usually carried out by a group composed of

<sup>48</sup> *Han shu*, p. 39b.

<sup>49</sup> *Hou Han shu* 27A (mem. 17A) p. 3a.

<sup>50</sup> The set form of expression 「結客報仇」 or 「借客報仇」 was usually used in the description of vendetta in *Han shu* and *Hou Han shu*. In such a case, other lawless *yu-hsia* or hooligans who were not clients of the family concerned were sometimes hired for occasional help in the vendetta, as shown by the expression 「通輕俠借客報仇」「結少年報仇」. As to vendetta in the Han period, see Makino Tatsumi 牧野巽, 「漢代に於ける復讐」 in his *Shina Kazoku Kenkyu* 支那家族研究 (1944) pp. 417—487.

the family concerned and its *k'o*. The *k'o*,<sup>51</sup> in such cases, were usually young and lawless *yu-hsia* who were patronized by the family concerned or were acquainted with it. Among the *yu-hsia*, those who were young, violent and lawless were called *ch'ing-hsia* 輕俠. These *ch'ing-hsia* were in great demand for vendettas. In the Han period, noble and powerful families still patronized these *ch'ing-hsia* as clients for self-protection. It was well known that imperial relatives-in-law, such as the Wang families 王氏<sup>52</sup> of the former Han dynasty, and the Tou family 饒氏,<sup>53</sup> the Ma family 馬氏<sup>54</sup> of the latter Han period patronized many clients, among whom where many *ch'ing-hsia* serving their patron as bullies. Many high officials at court were also in close connection with the *yu-hsia*.<sup>55</sup> Not only nobles and dignitaries, but also powerful families in towns and villages, patronized the *ch'ing-hsia* as clients and thereby became so powerful as to overawe or befriend the local authorities. Their power was based not only on the blood relationship and landownership, but also on the client groups under their patronage. For example, the Yüan family 原氏,<sup>56</sup> the Hsü family 緒氏<sup>57</sup> in the Ying Ch'uan commandery 潁川郡, the Kao family 高氏<sup>58</sup> in the Cho commandery 涿郡, the Sun family 孫氏<sup>59</sup> in Kao Mi prefecture 高密縣 etc., was famous for their lawless clients who often committed crimes and were always protected by their patron's power from the local authorities. It was said that Tai Tzū-kao 戴子高<sup>60</sup> in the Ying-ch'uan

<sup>51</sup> Regarding the *k'o* 客 in the Han period, there is an article of T'ao Hsi-shêng 陶希聖, 西漢的客, in "Shih Huo" 食貨, 5, 1 (1937) pp. 1—6, though not exhaustive.

<sup>52</sup> There were two different Wang families which were both imperial relatives-in-law, both famous for their large number of clients. One of them was the Wang family from which the mother of emperor Ch'eng 成帝 was born. See *Han shu* 98, p. 31b; 90, p. 10b; 92, p. 22a. Another was the Wang family from which the queen-consort of emperor Hsüan 宣帝 was born. See *Han shu* 77, p. 8b.

<sup>53</sup> *Hou Han shu* 45 (mem. 35), p. 15a; 23 (mem. 13) p. 16a.

<sup>54</sup> *Ibid* 48 (mem. 38), p. 3a—b; 24 (mem. 14) p. 20b.

<sup>55</sup> Yüang Ang 袁盎, who was once a Minister of ceremonies (T'ai-ch'ang 太常) at the court of the emperor Ching 景帝 and was sometimes appointed chancellor of kingdoms, had friendly relation with Chi Mêng 劇孟, a powerful *yu-hsia* of the town. Cf. *Shih chi* 181, p. 14. When chancellor of the Wu kingdom, he patronized Chi Hsin 季心, who was a famous *yu-hsia* and who sought refuge in Wu. Cf. *Shih chi* 100, p. 7.

Chin An 汲黯, who ranked with nine ministers, and Chêng Tan-shih 鄭當時, a Grand Minister of Agriculture (Ta-ssü-nung 大司農), were both famous for their *jên-hsia* spirit. Cf. *Shih chi* 120, p. 4ff. p. 14ff.

Shih Hsien 石顯, a Prefect of the Palace Masters of Documents (Chung-shu-ling 中書令) made close connection with Chu Chang 萬章, a famous *yu-hsia* in Ch'ang-an. Cf. *Han shu* 92, p. 216.

Ch'un Yü-ch'ang 淳于長, A Commandant of Guards (Wei-wei 衛尉), and Hsiao Yü 蕭育, a Grand Herald (Ta-hung-lu 大鴻臚), were on intimate terms with Tu chih 杜穉, a powerful *yu-hsia*. Cf. *Han shu* 77. 6b.

<sup>56</sup> <sup>57</sup> *Han shu* 76, 36b.

<sup>58</sup> *Ibid*. 90, 9a.

<sup>59</sup> *San-kuo chih* (Ssü-pu-pei-yao edition), *Wei chih* 11, 10b.

<sup>60</sup> *Hou Han shu*, 83 (mem. 73) p. 12b.



commandery was a man of wealth and of *jên-hsia* spirit, giving frequent alms to people and patronizing three or four hundred clients. The rich merchant Wang Sun Ch'ing 王孫卿<sup>61</sup> in Ch'ang-an 長安 also had close connection with the powerful *yu-hsia* and patronized many clients. In each bustling quarter of a great city such as Ch'ang-an, the boss of outlaws, formed a clique by attaching to himself many *ch'ing-hsia* and hooligans and thus wielded arbitrary power.<sup>62</sup> Chu chang<sup>63</sup> 萬章, one of the bosses in Ch'ang-an, was described as a "*Hao-hsia*" 豪俠, in the "*Yu-hsia lieh-chuan*" in *Han shu* by Pan Ku. The expression *hao-hsia* usually means powerful *yu-hsia* who were eminent in the *jên-hsia* spirit and attracted a large number of clients by their personalities, whether landowners or rich merchants, or bosses of outlaws. Chu Chia 朱家 who was described as an eminent *yu-hsia* by Ssū-ma Ch'ien, appeared to be a rich landowner.<sup>64</sup> Kuo Hsieh 郭解,<sup>65</sup> described as powerful *yu-hsia* by Ssū-ma Ch'ien was a boss of outlaws. He himself had been in his younger days a lowless hooligan, a *ch'ing-hsia*. As he became older, his *jên-hsia* spirit mellowed into maturity and he gained great popularity among the people. Such *hao-hsia* as Kuo Hsieh, without any particular occupation and property, had a large income, by accepting bribes and rewards from the riches of his acquaintance. It was said that when he was removed to Mao-ling 茂陵, he received as parting gift ten million odd *ch'ien* 錢.<sup>66</sup> At that time, the estate of families of medium means was only one hundred thousand *ch'ien*,<sup>67</sup> and the average estate of families regarded as rich was three million *ch'ien*.<sup>68</sup> This large gift to Kuo Hsieh will show his personal connections with the riches in large extension. Within the circle of his influence, he wielded great power—not only avenged his acquaintances at their request with the sword, but also arbitrated quarrels between families by virtue of his personal influence.<sup>69</sup> The very officials of the local authorities were not free from his influence. It is said that at his request, a lower official exempted his acquaintance from labor service imposed annually by the local authority.<sup>70</sup>

As compared with the *hao-hsia*, the *ch'ing-hsia* were petty *yu-hsia*,

<sup>61</sup> *Han shu* 91, p. 18a.

<sup>62</sup> <sup>63</sup> *Han shu* 92, p. 22b; 76, p. 49a.

<sup>64</sup> The description of *Shih chi* 100, p. 3, that Chu Chia bought several tens of slaves and set them to work on his land, shows that he was a landowner. Concerning his *jên-hsia* spirit, cf. *Shih chi* 124, pp. 7—8.

<sup>65</sup> *Ibid* 124, p. 9ff.

<sup>66</sup> *Ibid*. 124, p. 14.

<sup>67</sup> *Ibid*. 10, p. 38.

<sup>68</sup> *Han shu*, 6, p. 23a. The emperor Wu 武帝 removed men of wealth whose estate were more than three million *ch'ien* to Mo-ling. It shows that the standard estate of families regarded as rich at that time was three million *ch'ien*.

<sup>69</sup> *Shih chi* 124, pp. 12—13.

<sup>70</sup> *Ibid*. 124, pp. 11—12.

both in *jên-hsia* spirit and in influence, and were sometimes regarded in the same light as lawless hooligans. They were, as above mentioned, usually patronized by powerful families, or attached to a boss such as Kuo Hsieh and Chu Chang and rendered service to their patrons as bravos and myrmidons. When their relation with patrons were of long duration, they sometimes became serfs on the land of the patron.<sup>71</sup> But, without depending on powerful patrons, they often formed cliques and made a living by illegal means, such as robbery, desecrating the graves, counter-feiting coins and as hirelings for vendetta and assassination etc.<sup>72</sup>

From this, we elicit the peculiar social order in the Han period. Taking into consideration the fact that vendettas were of daily occurrence between families even within towns and villages, and were carried out by the families concerned assisted by their clients and friends, and that such direct actions were approved by the people, we may conclude that the social order at the time was different from that of the village and town communities in the occidental sense, which was kept up by all members' obedience to impersonal law, not to an individual. If any social order existed, it was maintained by individual families or clans within a circle in which its social connections extended. It was a *jên-hsia* custom to connect individual families or clans with the outer world. The *yu-hsia* functioned as a reliable keeper of the social order for the family connected with him, and as a fierce disturber of the order maintained by the families in opposition to him. How was this social order related to the local authority?

Ssü-ma Ch'ien in "*the memoirs of hard officials*"<sup>73</sup> in *Shih chi* gave many instances of the local authorities which punished *hao-hsia* and powerful families. But it is wrong, to conclude from this description that all the *hao-hsia* and the powerful families were under the control of local authorities. A recent study<sup>74</sup> makes it clear that the case described in "*memoirs of hard officials*," was exceptional relating to particularly able officials whose name is thus recorded, but that for the greater part local officials were usually unable to control the *hao-hsia* and powerful families who wielded arbitrary influence in towns and villages. But this explanation is not sufficient. Wang Wên-shu 王溫舒, a fierce local governor described in the "*memoire of hard officials*" in *Shih-chi*, appointed lawless *hao-hsia*

<sup>71</sup> *Han shu* 77, p. 6a, *Hou Han shu*, 24 (*mem.* 14) p. 3b. From the later half of the Han period, the relation between patron and client became stereotyped. The expression *k'o* came to be used as a more comprehensive term, meaning various kinds of subordinate relations. Cf. the article of Chü Ch'ing-yan 鞠清遠, 三國時代的客, in the *Shih-Ho* 食貨 3, 4 (1936) pp. 15—19.

<sup>72</sup> *Shih chi* 129, pp. 28—29; 124, p. 10; *Han shu* 77, p. 9a; 90, p. 11a.

<sup>73</sup> *K'u-li lieh-chuan* 酷吏列傳, *Shih chi* 122.

<sup>74</sup> Lao Kan 勞幹: 論漢代的游俠 in "*Wên shih ch'ê hsiieh pao*" 文史哲學報 of Taiwan University, No. 1 (1950)

and *ch'ing-hsia* to the posts of lower officials and by knowledge of their secret crimes, forced them to spy on and arrest other *hao-hsia* and lawless powerful families.<sup>75</sup> Through these tricks local governors of ability arrested the powerful and lawless. When the *hao-hsia* and *ch'ing-hsia* who formed cliques and wielded arbitrary power as bosses of towns and villages, were appointed lower officials, or were patronized by the chief of the local authorities, their power grew under the shelter of authority. For example, Tu Chien 杜建,<sup>76</sup> an official of Ching-chao prefecture 京兆, was a *hao-hsia* and his clients were lawless. Ssü Ts'ung 斯從,<sup>77</sup> an official of Yen prefecture 剡縣 of the Hui-chi commandery 會稽郡 was a lawless *ch'ing-hsia* born of a powerful family and wielded an influence which the prefect could not control. Liu Chieh 劉節,<sup>78</sup> an official in the Chin province 荊州 was a *hao-hsia* and native of a powerful family, and a patron of over one thousand lawless clients. Chu Chang<sup>79</sup> Lou Hu 樓護,<sup>80</sup> Ch'en Tsun 陳遵,<sup>81</sup> who were described as eminent *hao-hsia* in the *Yu-hsia lieh-chuan* in *Han shu*, were appointed officials of Ching-chao prefecture. Chu Po 朱博,<sup>82</sup> an administrator of the Lang-yu commandery 琅邪郡, ordered his subordinate prefectural authorities to employ native *hao-hsia* as lower officials. At the end of the former Han period, there were many officials of the Ying-ch'uan and the Nan-yang 南陽 commandery, who formed cliques with their clients and joined the rebel force of Liu Hsiu 劉秀. These instances show that the *jên-hsia* custom also prevailed among lower officials of the local authorities. Not only the posts of lower officials of commandery and prefecture, but also those of petty officials of small administrative divisions, *hsiang* and *t'ing* were often occupied by lawless and brave natives. The chief of *t'ing* 亭長, and the *yu-chiao* 遊徼, the official of *hsiang*, were charged with pursuing and arresting robbers and maintaining the peace of villages with weapons. It is significant that these posts were often occupied by young and lawless *ch'ing-hsia* who had close connection with hooligans. Liu Pang was, as above mentioned, appointed chief of *t'ing*. Wang Wên-shu,<sup>83</sup> a fierce local governor, was in his younger days a lawless hooligan and became the chief of *t'ing*. Chu Po<sup>84</sup> who had been in his youth appointed chief of *t'ing* and who patronized clients and hooligans,

<sup>75</sup> *Shih chi*, 122, p. 31.

<sup>76</sup> *Han shu*, 76, p. 36a.

<sup>77</sup> *San-kuo chih*, *Wu chih* 15, p. 1.

<sup>78</sup> *Ibid.* *Wei chih* 12, p. 15b.

<sup>79</sup> *Han shu*, 92, p. 21b.

<sup>80</sup> *Ibid.* 92, p. 22a.

<sup>81</sup> *Ibid.* 92, p. 23a.

<sup>82</sup> *Ibid.* 83, p. 11a.

<sup>83</sup> *Shih chi* 122, pp. 30—31.

<sup>84</sup> *Han shu* 83, p. 10a—b.

was famous for his *jên-hsia* spirit. Wu Han 吳漢,<sup>85</sup> was also a chief of *t'ing* patronizing lawless clients, and because of their crimes took refuge in the northern provinces where he made the acquaintance of many powerful *hao-hsia*. Tsang Kung 臧宮,<sup>86</sup> who formed a clique with his clients, had at first been a chief of *t'ing* and then became *yu-chiao*, a police officer of the *hsiang*. Moreover, powerful native *hao-hsia*, even when not local officials themselves, often attached officials to them by force of personality, influence, or bribes.<sup>87</sup> Thus, the terminal posts of the administrative system of government was usually occupied by or connected with powerful and lawless natives.

As above mentioned, the prevailing social order was also maintained by individual families within each circle of influence. Outside this circle, families were prone to the vendetta. The local authority often could not control the conflicts between families from an impartial standpoint, but usually connected with one family, and coerced the other into obedience. The local authorities usually acted in collusion with the personal power of powerful natives, who were appointed local officials or had close relation with them. The frequent vendetta between powerful natives and local officials showed that the power of local authority was conceived by the people as the same in kind as private power, not as transcendental authority.

It was easy for the *yu-hsia*, who had penetrated all classes of society, to rise against administrative authority when the control by the central government had become loose. Liu Hsiu 劉秀 who rose in the Nan-yan commandery and founded the late Han dynasty as emperor Kuang Wu 光武, had been of a powerful family and in his younger days "formed fellowships with the *yu-hsia*"<sup>88</sup> and "patronized refugees and criminals."<sup>89</sup> Yüan Shao 袁紹 in the Chi province 冀州 at the end of the later Han dynasty was of noble and powerful family, and in his youth was a *hao-hsia*<sup>90</sup> and "patronized many *yu-hsia*."<sup>91</sup> Ts'ao Ts'ao 曹操, the founder of the Wei 魏 dynasty in the San-kuo 三國 period, also was in his youth "a men of the *jên-hsia* and lawless."<sup>92</sup> Generals attached to him such as Li T'ung 李通,<sup>93</sup> Tsang Pa 臧霸,<sup>94</sup> Hsü Hsü 許緒,<sup>95</sup> Tien Wei 典韋,<sup>96</sup> were power-

<sup>85</sup> *Hou Han shu* 18 (mem. 8) p. 1.

<sup>86</sup> *Ibid.* 18 (mem. 8), p. 12a.

<sup>87</sup> *Shih chi* 124, pp. 11-12; 122, p. 9. *Han shu* 77, p. 9a.

<sup>88</sup> *Tung-kuan Han-chi* 東觀漢記 (*Ssü-pu-pei-yao* edition) 1, p. 106.

<sup>89</sup> *Hou Han shu* 77 (mem. 67) pp. 2b-3a.

<sup>90</sup> *Ibid.* 68 (mem. 58) p. 76.

<sup>91</sup> *Yin-hsiung chi* 英雄記 quoted by *San kuo chih*, *Wei chih* 6, p. 12a. (The same quoted by *Hou Han shu* 74A (mem. 64A) 16). Also Cf. *Hou Han shu* 74A (mem. 64A) p. 1b.

<sup>92</sup> *San kuo chih*, *Wei chih* 1, p. 1b.

<sup>93</sup> *Ibid.* *Wei chih* 18, p. 2a.

<sup>94</sup> *Ibid.* *Wei chih* 18, p. 4a.

<sup>95</sup> *Ibid.* *Wei chih* 18, p. 8a.

<sup>96</sup> *Ibid.* *Wei chih* 18, p. 9b.



ful *yu-hsia* in towns and villages. Liu pei 劉備, the founder of the Shu Han 蜀漢 dynasty, was a plebeian, who associated with the *hao hsia* and attracted many hooligans.<sup>97</sup> Sun Ch'üan 孫權, the founder of the Wu 吳 dynasty also was "a man of the *jên hsia* spirit who patronized many clients."<sup>98</sup> Generals attached to him as Lu Su 魯肅,<sup>99</sup> Kan Ning 甘寧,<sup>100</sup> Ling Ts'ao 凌操,<sup>101</sup> etc. were powerful *yu-hsia* wielding great influence among the people.

### V. Conclusion

The above is an outline of a sociological study concerning *yu-hsia*. Our question in regard to the "*Yu-hsia lieh-chuan*" in *Shih chi* at the beginning of this article, has now been answered. Against the popular view,<sup>102</sup> we did not confine the *yu-hsia* to the special group of plebeians, but considered them comprehensively as men of "*jên-hsia* temperament." By analysing the social function of this *jên-hsia* spirit sociologically, we tried to make clear the relation between the *yu-hsia* and the social and political order from a wider viewpoint. The *jên-hsia* spirit which Ssü-ma Ch'ien esteemed highly, can be grasped correctly only in its relation with peculiar social order. The *jên-hsia* spirit developed its strongest motive in personal relations. It was the norm between a concrete person with another concrete person. The order maintained by this norm-consciousness was within the narrow circle of concrete personal relations, and was the only order upon which people could rely. People had no means to protect themselves except through expanding the sphere of personal connections outside family and clan. But there were natural limits to the extension of personal relations, according to the degree of personal influence and wealth of a family. In the world beyond personal relations, there was no norm to observe, no order to maintain, only force commanded everything, as shown by the prevalence of the vendetta. Each eminent *hao-hsia* as described by Ssü-ma Ch'ien, was a center of such a circle. Their *jên-hsia* spirit praised by Ssü-ma Ch'ien, was the norm which within their circle of personal connections, brought order and peace. But against other circles beyond, or those which threatened their circle, they exercised force. Among those which threatened

<sup>97</sup> *Ibid.* *Shu chih* 2, p. 1b.

<sup>98</sup> *Chiang-piao chuan* 江表傳 quoted by *San kuo chih*, *Wu chih* 2, p. 1a.

<sup>99</sup> *San kuo chih*, *Wu chih* 9, p. 7 a—b.

<sup>100</sup> *Ibid.* *Wu chih* 10, p. 7b.

<sup>101</sup> *Ibid.* *Wu chih* 10, p. 10b.

<sup>102</sup> The above quoted article of Lao Kan and Miyazaki Ichisada concerning the *yu-hsia* represent this popular view.

their circle the strongest was the power of administrative authority. Thus, the *yu-hsia* were regarded as protectors of peace by the people connected with them, but as lawless and tough gangs by the people outside their circle. Of such two different aspects of the same *yu-hsia*, Ssū-ma Ch'ien admired only the one in his description of the *Yu-hsia lieh-chuan*. In his memoirs, he distinguished the virtuous from the vicious among the *yu-hsia*. Both however represented the two different aspects of the same *yu-hsia*, though there existed differences in degree in norm-consciousness. In the world of Ssū-ma Ch'ien's experience, there did not exist an impersonal social order of the community in the occidental sense, which was bound by impersonal law, and not to a person. As long as this order was bound up with concrete persons, the activity of the *yu-hsia* continued. It was not because of the decline of the *yu-hsia*, but because the viewpoint in historical writing had changed in favour of government authority, that Chinese dynastic histories following *Han shu* have not included the chapter "*Yu-hsia lieh-chuan*."

# CAPITAL ACCUMULATION AND AGRICULTURE

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## I. Foreword

Since January 1949 when American President Truman announced his famous "Point Four" policy, the problem of economic development and the modernization of underdeveloped countries has become a matter of world concern. At the same time, the movement towards industrialization has become active in Southeast Asian countries. And in Japan, too, the promotion of a program of industrialization centering on the development of the heavy and chemical industries, though from a somewhat different stand-point, is now being actively pursued to make good the enormous damages caused by the World War II. A notable fact common to all these aspirations is that the term "industrialization" is used as if it is synonymous with "economic development", and can always be the fundamental condition of such development. It is because capital accumulation is so often regarded as the same as industrialization that there arises so much confusion and mistakes in planning and execution of investment. Capital accumulation does not always mean industrialization, and the latter is not always productive. The positive effects of capital accumulation are not self-evident before the fact, and whether it can be regarded as a condition of economic development will depend on various economic factors surrounding it. Consequently, the study of the capital accumulation problem must start from an analysis of its economic meaning and conditions. In this paper, I will try to clarify this point first, and then will study it in relation to agriculture in its theoretical aspects, viz. the significance of capital accumulation in relation to agriculture and that of agriculture in relation to the capital accumulation. Agriculture is a basic industry in the economy of Asia, and it can promote and regulate capital accumulation in a very peculiar form, the understanding of which has an important practical significance.

## II. *Concepts of Capital and Capital Accumulation*

What is the meaning of capital accumulation in this case? To answer this question, it is necessary first to make clear what is capital and what is its function. This has been a widely discussed problem in the past, and, in a sense, it can be said that the dispute is still in progress in new forms even at present. Consequently, in so far as the definitions of the concept are concerned, there are many differences not only between the Marxian and non-Marxian economists, but also among the latter. "Produced means of production" defined by E. von Böhm-Bawerk may be one of the most famous interpretations. W. S. Jevons defines capital as "free goods" or "consumers' goods which can be diverted from current consumption", whilst F. A. Hayek, A. C. Pigou, F. H. Knight, etc. hold similar views considering it as "the aggregate of non-permanent services". I. Fisher and others define capital merely as "a certain sum of purchasing power".<sup>1</sup>

At a glance, these various opinions concerning the concept of capital seem greatly different from each other, but viewed in detail, they are of a common nature in the following two respects; (1) capital is regarded as a source of interest and profit in some sense and to some degree; (2) it is indivisibly connected with the concept of round-about production—production by produced means of production. Consequently, it may be said that capital is regarded, roughly speaking, as that which makes possible the yield of interest and profit through round-about production, or the economic means by which "productive and profitable round-about production" can be made possible. Almost all scholars, not only those of the Austrian school centering on E. von Böhm-Bawerk but also those of other schools, have stressed the profitability of capital investment on the premise of round-about production<sup>2</sup> explicitly or implicitly.

<sup>1</sup> As is well known, the doctrine may be generally divided into the two main streams of the Austrian theory of capital and the marginal productivity concept; E. von Böhm-Bawerk, F. A. Hayek, K. Wicksell can be classified as belonging to the former, J. B. Clark, F. H. Knight to the latter; I. Fischer may be mentioned as combining elements from both positions. The classification is not the subject of this paper. As regards the general outline, see, for instance, J. F. Weston, "Capital and Interest" *American Economic Review*, May 1951. The essay by E. M. Hoover on "Capital Accumulation and Progress" in the same issue is also interesting as it illustrates recent American opinions concerning the main subject of this paper. It is however problematical whether the clear distinction between the discussions of capital problem in the 1940s and those of the 1930s is due only to the differences of the social background of the two periods.

<sup>2</sup> On this subject, there is, for example, the view of "Capital accumulation as an increase in the stock of investment goods in the economy". (O. Lange, *Price Flexibility and Employment*, 1944. p. 67)



What is "profitable round-about production" and what is the substance of "productivity of round-about production" above mentioned? Why is round-about production more profitable than otherwise? This is the core of the capital problem, so long as it is regarded as an essential part of the function of capital. But, in E. von Böhm-Bawerk's opinion, it is only postulated as such. He understood round-about production as the source or medium of enabling interest to be yielded—because according to him, a general basis for this yield of interest is provided by preference of the value of present goods or services to future goods and services, and the benefits of capitalistic round-about production are considered only as a factor making this possible,<sup>3</sup>—but he did not make clear the source of "benefits" or "profits" themselves. He assumed that the productivity of productive services—for instance, the labour force—is a function of the round-about production period, but did not explain why this can be assumed, nor why the time element can be regarded as the source of productivity. He only vaguely explained that "production methods requiring time are more productive", "benefits of technique will increase with longer periods of production". Similar ideas are found among other scholars, in particular those of the Austrian School. An exceptional example is F. A. Hayek's "*Pure Theory of Capital*, 1941".

F. A. Hayek is one of the few scholars who have taken up this problem in its full extent. His explanation is as follows: the function of round-about production is (a) firstly, to make possible the profitable exploitation of useful but unused resources, and (b) secondly, to make possible this exploitation in cooperation with other resource which yield a return immediately or in the near future; the source of profit consists solely in the fact that the current use and exploitation of resources indicated in (a) will be made possible through the medium of (b). In short, in his opinion, the profitability of transferring the resources from current use will be derived from the existence of the potential but unused resources indicated in (a) combined with the use of these resources.<sup>4</sup> But, at the same time, he warned that round-about production and long-term investments are not always profitable, stating that "it is of course by no means a priori necessary that the product obtained in this time-consuming way shall be greater than that which would have been obtained from the direct use of the complementary resources. All that we can say in general is that men will take the trouble to use the services of additional resources only if, as a result, the product not only becomes different but is also preferable to what it would otherwise have been."<sup>5</sup> Thus, according to his opinion,

<sup>3</sup> Cf. E. von Böhm-Bawerk, *Positive Theorie des Kapitals*. I Bd., 1921, p. 353.

<sup>4</sup> F. A. Hayek, *The Pure Theory of Capital*, 1941, p. 60.

<sup>5</sup> *Ibid.*, p. 62.

round-about production itself cannot always be a priori profitable, and round-about production and the prolongation of investment period are only undertaken because of the "general and experienced fact"<sup>6</sup> that there seem to be "possibilities" of greater yield.

He said "Why should the more time-consuming methods of production yield a greater return? .....Nor is it certain that there is any single explanation that will necessarily fit all cases. There is, however, one general fact which makes it appear probable that it will always be possible to increase the amount of final services which can be obtained from given resources if more time is allowed to elapse between the time when the resources are applied and the time when their final product emerges. And this is of course all that is required. This general fact is, briefly, that there will almost always exist potential but unused resources which could be made to yield a useful return, but only after some time and not immediately; and that the exploitation of such resources will usually require that other resources, which could yield a return immediately or in the near future, have to be used in order to make these other resources yield any return at all. This simple fact fully suffices to explain why there will nearly always be possibilities of increasing the output obtained from the available resources by investing some of them for longer periods. ....All that is important is that, so long as there are possibilities of increasing the product by investing for a longer period, only such prolongations of investment periods will be chosen as will actually give a greater product."<sup>7</sup>

This statement promotes the analysis of our problem considerably by clarifying that (a) long-term investment and round-about production are neither always profitable nor productive, and that (b) the reason why, nevertheless, long-term investments are chosen as actually profitable is the fact that there exist "general possibilities" and "experienced facts" suggesting that it will be true. In denying the absoluteness of productivity or profitability involved in round-about production or long-term investment, this is consistent with our experiences, for we often observe failures in such cases, although we are empirically aware of the probability of their success.<sup>8</sup>

<sup>6</sup> *Ibid.*, p. 60.

<sup>7</sup> F. A. Hayek, *The Pure Theory of Capital*, 1941, p. 60.

<sup>8</sup> In his criticism of E. von Böhm-Bawerk, A. Marshall stated that "There are however innumerable processes which take a long time and are round-about; but are not productive and therefore are not used; .....because interest has to be paid for, and can be gained by the use of capital; therefore those long and round-about methods, which involve much locking up of capital, are avoided unless they are more productive than others." (A. Marshall, *Principles of Economics*, 8th ed. p. 583). J. M. Keynes opines that "lengthy processes are not physically efficient because they are long. Some, probably most, lengthy processes would be physically very inefficient, for there are such things as spoiling or wasting with time." (J. M. Keynes, *The General Theory of Employment, Interest and Money*, 1936, p. 214). We completely agree with these two opinions which appear to us to approach the problem correctly.

And it is also very clear that the carrying out of investment is often impeded on this account and this is the most practical and fundamental factor limiting investments.

But, at the same time, there remains a question. Why is round-about production regarded as involving "general possibilities of profitability" despite the fact that "it is not always profitable"? The fact that "it is not always profitable", strictly speaking, means that "it cannot be decided either to be profitable or non-profitable offhand". Nevertheless, it is regarded as such. This is clearly a logical contradiction.

To solve this contradiction, it will be useful to consider the problem as follows: the origin of profitability or productivity itself consists in the rational and efficient combination of productive services, and the round-about methods of production are only the means of enabling the benefits gained to be guaranteed to a specified enterprise as a business profit. For the fact that round-about production proves sometimes successful and sometimes unsuccessful means nothing but that the round-aboutness itself is not fundamental for the promotion of productivity. Therefore, the only thing that can be theoretically said is that the most essential condition is the "new combination of productive services". The so-called "innovation in production" or "new combination" of J. Schumpeter is the essential condition in promoting productivity and in yielding surplus value, while the round-aboutness itself is only the means of guaranteeing this as a business profit by limiting competition, when connected with successful innovation.<sup>9</sup> So long as the fundamental principle of the capitalistic economy is the pursuance of this "business profit", it will be natural that such round-about production or prolongation of production period will be regarded as an actual criterion of investment.

Thus, we find that round-about methods of production are neither necessary nor sufficient factors in the elevation of productivity, but only a condition guaranteeing surplus value as business profit in case of success, and such profit is merely a capitalistic form of surplus value, without which investment could not be expected under the capitalistic system. In other words, (a) the form of profitable and productive investment can never be decided *ex ante* and its essential nature rests on the fact that it means "new combination" of productive services or "innovation in production";

<sup>9</sup> J. M. Keynes emphasized the theory of scarcity concerning capital, making a distinction between productivity and scarcity as follows: "It is much preferable to speak of capital as having a yield over the course of its life in excess of its original cost than as being productive. For the only reason why an asset offers a prospect of yielding during its life services having an aggregate value greater than its initial supply price is because it is scarce;.....If capital becomes less scarce, the excess yield will diminish, without its having become less productive at least in the physical sense." (J. M. Keynes, *The General Theory of Employment, Interest and Money*, 1936, p. 213).

whether it means "new" or not will be decided ex post through the process of trial and error; it is not necessarily connected with round-aboutness of production; even if it should be chosen, it must be at first decided "what kind of round-aboutness" is to be adopted. At the same time, (b) the pursuance of private business profit as a basis for investment is only of a capitalistic character; therefore, the pursuance of such a non-monopolistic surplus as will be rapidly dispersed among the general public in the form of reduction of prices, as the result of prevalence of competition, is out of the question under such a system. Inversely speaking, it means that investments based on private profit are not the only possible ones.

### III. *Capital Accumulation and Agriculture*

Since we have made a brief sketch of the concept of capital and investment, as well as several problems concerned, let us now consider the problem of "Capital Accumulation and Agriculture". As the nature of investment is not "round-aboutness of production" but a "new combination" of productive services, we can not define them in a form applicable in every case. Since "new" means absolutely "new", it can not, in the nature of the case, be defined; it can equally take the form of "prolongation of production period" or "shortening" of it. Therefore, I will limit the subject to a discussion based on the experienced facts of "what is the relation between round-about production and agriculture?"

For, as above stated, round-aboutness of production itself is not, of course, a necessary and sufficient condition in yielding surplus value; but it is also an undeniable fact that this is usually chosen as the actual form of investment enabling the surplus value to be secured as business profit. And the significance of this fact itself for agriculture also must not be neglected.

From this point of view, the problem can be divided into two parts: firstly, to examine the characteristics of agriculture as an object of investment in this sense; secondly, to analyse the economic meaning of investment of this kind for agriculture. As regards the first point, it can be easily deduced from the preceding chapter that agriculture can hardly become an object of voluntary investment, when left free, but that it is not because of its inherent unproductivity but chiefly because of its low level of profitability as the result of its competitive structure. As is well known, the rapid spread of advances in agricultural technology very often results, through competition, in benefits for consumers in the form of reduction of prices rather than benefits for producers.<sup>10</sup>



Conversely this means that the opinion that agricultural investment is essentially non-productive is completely mistaken, and if it is in the interest of consumers, such investment should be promoted as a part of public policy, even if it may be negative as a private enterprise.

Of course, the appraisal of its effects from the point of view of consumers' benefits is, in reality, not easy, and there are various problems theoretically unsolved yet. But, at any rate, the presentday general opinions which denies the productivity of agricultural investment based on the ground that it can hardly be expected as a voluntary process, should be reexamined in the light of the above considerations.<sup>11</sup>

As regards the second point, the actual process of round-about production must first be clarified. As incentives to investment, there are generally enumerated various conditions within and outside the economy, such as the invention of new techniques, development of new markets, discovery of new resources, etc. But, in any case, it can be said that this includes two processes, (a) the tranference of productive services from existing use, (b) the prolongation of production period, and this will logically be completed when final products are achieved. However, this entire process is not simple; the disparity between saving and investment induces the so-called "business-cycle" as an alternating process of prosperity and depression, vigorously promoting a cumulative expansion of investment for a certain period and then bringing about a sudden suspension of it. Consequently, the analysis of this problem can be varied according to whether we take up the problem from the stand point of either a short-term or long-term period. In this paper, however, the problem will be limited to the former, especially to the relationship between agriculture and non-agriculture in the course of this investment.

The significance for agriculture of the progress of investment and capital accumulation will consist, roughly speaking, in the withdrawal of capital from the latter. But this process is neither simple nor uniform, but has distinguishing features derived from the structural characteristics of

<sup>10</sup> T. W. Schultz has stressed the public nature of agricultural research. This idea, however, will be applied to a large extent to the investment as a whole for the development of agriculture. He states "It is commonly thought that the public appropriations for agricultural research benefit farm people primarily. This is far from true; .....farmers benefit, when they do, in their capacity as consumers. They do not, as a rule, benefit as producers except that those who first introduce the new technique benefit until the price of the product falls as a result of the expanded output." (T. W. Schultz, *Agriculture in an Unstable Economy*, 1945, p. 76).

<sup>11</sup> It is very interesting that this opinion of the uneconomic character of agricultural investment is in complete contrast with physiocratism advocated by Quesnay, Turgot, etc. If physiocratism had at that time any objective factors supporting it, these should also prove to be true at present under certain conditions. However, for this purpose, it must be made clear under what conditions investment will become either economic or uneconomic.

agriculture. And the core of this problem is that the process of investment as a whole is accelerated in some sense and restricted in another sense. We shall explain this below.

Firstly, the existence of a surplus population in agriculture, (such as an unemployed population, employment at low income, etc.), will smoothen the expansion of credit and the progress of accumulation without raising the wage level at the early stage of investment.<sup>12</sup> This is because the elasticity of labour supply will be infinitely large, in so far as there is over-population and especially when the labour is capable of meeting the new demand technically. Of course the type of labour required, in reality, cannot be perfectly satisfied by that available in rural villages, and this problem will become more serious when a special type of skilled labour is required following the higher development of industry. However, when we consider the present conditions of the agricultural villages, it seems that the problem will not arise for some time, for the villages are generally obliged to maintain an unemployed population which includes skilled labour, even though the latter may be present only temporarily. Thus the existence of a surplus population in agriculture will be a factor promoting rapid investment by lessening the wage burden at the commencement stage.

Secondly, a similar effect can be noticed as the result of the peculiar character of the farmers' propensity to consume at this stage. For, although the income distribution becomes favourable for agriculture at this period, the surplus income is always directed neither to consumption nor to agricultural investment.

At the commencement period of investment or during a period of rising business activity, prices for agricultural products and agricultural income may hold up well because of the lack of elasticity in supply and to the fixed and rigid nature of cost factors. In this case, prices of agricultural products will advance before those of the cost factors such as consumers' goods, agricultural requisites, etc. This results from the fact that the supply of agricultural products can not meet the increased demand, whilst the prices of cost factors will experience no advance or a delayed advance, if any. The increase of demand is naturally caused by an increase of wage payment due to increased employment outside agriculture. As the demand for agricultural products is more elastic, when the wage level is low, than otherwise, the increase of employment of this kind will bring about a considerable expansion of it. However, the inelasticity of its supply will

<sup>12</sup> There is a difference of opinion between F. A. Hayek and G. V. Haberler as to whether the analysis of business cycles is to be started from the conditions of imperfect employment or not. (Refer to G. V. Haberler, *Prosperity and Depression*, 1939, p. 284). However, this will depend on the precise nature of the assumptions made, but it is not merely a theoretical problem as Haberler states.

be attributed to the following reasons: (a) the characteristic structure of production in agriculture where a rapid extension of production is very difficult on account of the lack of idle resources other than labour; (b) the tendency for farmers to refrain from investment, as will be mentioned later. At any rate, the general rigidity of production is to be recognized in contrast to the advance in prices. Finally, as regards the rigidity or delayed advance in prices of cost factors, the following may be pointed out; (a) prompt adjustment is difficult in the case of interest, taxes and other public burdens having the nature of long-term contracts or those of an institutional character; (b) prices of other consumers' goods and agricultural requisites cannot show the same advance as those of agricultural products, in so far as they are products of elastic supply, being those of manufacturing industries which have usually surplus production capacity—surplus equipment and production facilities,<sup>13</sup> (c) inelastic prices of productive factors, wages, etc., will reduce the price advance of consumers' goods and production materials. The above facts are, of course, only true of the products of not so highly monopolized industries or those of industries which stand in no direct competition with those to which investment is applied. It is, however, sure that the rigidity or time lag in the price movement of cost factors relatively favours agriculture throughout the process.<sup>14</sup> It is also undeniable that the extension of employment opportunity will greatly benefit agriculture especially in countries such as Japan and Southeast Asian countries where rural over-population is so great.

Agricultural income will show a considerable increase throughout this process and the household economy of farmers will register favourable balance. However, increased income is not always directed to consumption and agricultural investment as above stated, but to saving.<sup>15</sup> The

<sup>13</sup> In manufacturing industries which are monopolistic, conditions are different from those in competitive agriculture. The former usually have surplus production equipment and idle facilities which are ready to increase production when warranted by demand, and this will stabilize prices to a large extent. In case of a decline in demand, idle facilities will check a price decline through production curtailment.

<sup>14</sup> The fact that farmers are often regarded as inflationist in the meaning that they welcome inflation may be attributed to this. As regards analysis of American conditions, refer to G. F. Warren and F. A. Pearson, *Price* 1933, T. W. Schulz, *Agriculture in an Unstable Economy*, 1945. etc. The ratio of exchange of agricultural products to commodities purchased by farmers was very favourable to the former during the period 1915—19 and 1940—44. On the other hand, wages in agriculture advanced sooner than those in manufacturing industries, and approached the latter, partly due to the above relation and partly to the increase of employment in non-agricultural industries. The same situation can also be found in Japan during the period 1914—19 and 1940—47.

following reasons may be pointed out : as regards consumption, the fixed low consumption propensity resulting from traditional living conditions ; as regards agricultural investment, lack of enterprise in agriculture, reluctance to assume risks, lack of technical and economic knowledge necessary for investment, shortage of funds, etc. Thus, the important point in the role of agriculture in relation to investment in industry is that it performs an accelerating function in an efficient manner. It can be said that, at least as far as the former suppresses the motivation of expanded purchasing power, controlling the price advance of cost factors, to that extent the former has the function of promoting the latter rapidly.

However, when once full employment is realized and the demand for consumers' goods shows a rapid increase, this suddenly becomes a restricting factor for capital accumulation. This constitutes the third problem.

At this stage, the advancement of investment necessitates the redistribution of labour already employed, but it makes it inevitable to advance the wage level accompanied by a remarkable expansion of purchasing power, whilst the production of consumers' goods to meet this expanded demand remains stationary or almost suspended. Thus the prices of consumers' goods will show an abrupt advance, especially those of agricultural products will make a jump as a result of retarded production caused by the restrained investment in agriculture.<sup>16</sup> That is, this requires a sudden change of production method from a prolonged one to a shorter one. This process is, of course, too complicated to be treated here, being a problem of business fluctuations involving many unsolved problems. However, it can be said that the restriction of agricultural investment becomes, in its turn, a sudden checking factor of round-about production. While it is true that the peculiar characteristics of agriculture, as above mentioned, produce a remarkable

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<sup>16</sup> In periods of inflation, there is a tendency for a plenty of funds to be available in agriculture. Agricultural finance is different from industrial finance in direction and nature in that when the demand for funds from industry is active, that for agriculture declines relatively ; the former is a positive financing for production increase, whilst the latter is more in the nature of relief in periods of depression. Needless to say, the above fact does not deny the possibility of agricultural investment : for instance, J. H. Kirk maintained that the increase of agricultural income will increase fixed agricultural investments in agricultural countries, giving examples in the United States, Canada, Australia, Argentine, India, etc. during the period 1921—30 (J. H. Kirk, *Agriculture and Trade Cycle*, 1933) ; practically the similar situation can be observed in Japan. The only problem is that an increase of income through the favourable development of prices of agricultural products does not necessarily bring about the advancement of investment in this industry. Examples of agricultural investments promoted by an increase of agricultural income in Japan will be found in the increased acreage of fruit trees and gardening and an increase of domestic animals, cattle and pigs during the World War I, and an increase of machinery after the World War II.

<sup>17</sup> The rice riots which occurred in Japanese fishing villages in 1918 can be regarded as an instance of this conflict between unbalanced supply and demand of agricultural products in the areas where resistance to capital was most weak.



acceleration in investment and round-about production for a certain period, it can be, after all, observed that agriculture, in promoting capital accumulation in an extremely unbalanced form, acts as an unstable factor.

When business activity recedes, a contrary relation will develop. The demand for labour in branches other than agriculture, particularly in industries as the object of investment, will decline markedly, and discharged workers will return to rural villages, relying on the ties of the family system. A decline in the demand for agricultural products will cause a rapid decline in prices due to the competitive structure of agriculture. On the other hand, a decline in prices of cost factors—taxes, public imposts, wages, consumers' goods, agricultural requisites, etc.—will not follow, the result being a decline of agricultural income, both nominal and real. This process will become more serious through the peculiar character of farmers who are prone to cover a price decline by an increase of output.

Here, the problem will become: what will be the production structure after the whole process of investment is completed. ? ; how will employment other than in agriculture be enlarged and maintained ? ; what kind of market for agricultural products can be created and maintained ? " how can new conditions be established for the improvement of agricultural productivity ? In other words, the problem will be at what level and in what form agricultural income can be maintained. These will be the final conditions determining the significance of capital accumulation in relation to agriculture.

As already mentioned, the benefit of round-about production is never self-evident *ex ante*. Its benefit cannot be measured merely by the existence of business profit. If investment and capital accumulation are carried out only in pursuit of business profit, and this prevents agricultural investment in the way described above, bringing about instability in the accumulation process as a whole, it will naturally be open to criticism as a general matter of social organization. Here, the problem of "socialization" will appear, and with it the idea of "investment through government funds" or "public investment" will originate, although the latter will be somewhat different in approach from the former,

What changes in inner structure agriculture is subjected to during various processes of those business cycles is another important problem. I have mentioned several points of this problem in footnotes. Roughly speaking, during the period when investment progresses and business activities show an upward trend, there develop large enterprises, land speculation and acquisition of land on a large scale ; during the period when investments are suspended and business activities decline, the above tendencies will recede or disappear.<sup>17</sup> Actual conditions will, of course, be different

according to the countries in which it is applied and their stage of development.

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<sup>17</sup> H. Levy, *Large and Small Holdings*, 1911, which describes the historical development of large and small holdings principally in England, is very interesting from this point of view.

# DEPARTMENT STORE BUSINESS IN JAPAN

By GIICHI FUKAMI

*Professor of Marketing*

## I. *Japanese Department Stores Deserve Attention*

An American professor of marketing of high repute<sup>1</sup> reports that certain prototypes of department stores such as Fitz-Alwyne's assize stalls and Royal Exchange founded by Sir Thomas Gresham did begin their existence as early as 1189 and 1570 respectively. A well-known German authority on department stores<sup>2</sup> reports that Georges Vicomte d'Avenel, the author of "*Histoire Économique 1200—1800*," "*Richelieu et la Monarchie Absolue*" and other books, was giving evidence to the fact that a certain type of department store did exist in Paris already early in about 1725. But, such premature flowers did not bear fruits. They did not enjoy the perpetual succession which culminated in modernized department stores.

In Japan, we can find at least several stores that have continued to enjoy perpetual succession since their inauguration in the years between 1611 and 1726 down to the present day, and have developed into the advanced types of department stores as they are now.

The following are the names of those mentioned above and of some others of later origin:<sup>3</sup>

Table 1. Japanese Department Stores of Historical Importance

Name	Year of Inauguration	Year of Departmentization
Matsuzakaya	1611	1910
Shirokiya	1662	1908
Mitsukoshi	1673	1904
Daimaru	1726	1908

<sup>1</sup> P. H. Nystrom, *Economics of Retailing*, 1930, pp. 59, 61—2.

<sup>2</sup> J. Wernicke, *Das Waren- und Kaufhaus*, 1926, S. 1.

<sup>1 & 2</sup> G. Fukami, "Definitions and History of Department Stores", *Department Store Management* (in Japanese) ed. by Shimizu and Tsuchiya, 1951.

<sup>3</sup> S. Matsuda, *Department Stores* (in Japanese), 1939, p. 128.

Y. Hirai, "Positions of Department Stores in Present Day Economic Society", *Department Store Management* (in Japanese).

Depato Shimbunsha, *Department Stores Directory*, 1951.

Yamagataya	1752	1934
Temmaya	1819	1925
Fujisaki	1820	1932
Takashimaya	1831	1909

Incidentally, the names of department stores in Japan having presently more than 1,000 employees are as follows:

Table 2. Japanese Department Stores Having Employees More Than 1,000<sup>4</sup>

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Daimaru (4195); Daiwa (1053); Hankyu (1842); Isetan (1049);  
 Kintetsu (1501); Matsuya (1100); Matsuzakaya (4083);  
 Mitsukoshi (3796); Shirokiya (1080); Takashimaya (3610);  
 Toyoko (1600)

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Note: Figures in parenthesis are those of employees.

As regards Mitsukoshi, they adopted a *cash-sale system* in 1673, the very year of their inauguration. In connection with this cash-sale system, a story<sup>5</sup> is still in the author's recollection that, in 1866, Charles Digby Harrod, the son of the founder of Harrods, London, being struck by the fact that West End shops were charging exorbitant prices mainly because they were forced by customers to give two or three years credit, seized the opportunity by advertising in "The Times," the "Daily Mail Gazette," and other papers to the effect that he was prepared to give better value for *cash* than could be obtained from any other shop in London. Incidentally, the year 1866 mentioned above is the very year of Harrods' extension into a department store.<sup>6</sup>

In 1683, Mitsukoshi adopted a *price-label system*, i. e. a system of marking goods in plain figures. They began to ask one price for one kind of goods. Shirokiya and others followed suit without delay. "*Marque en chiffres connus, et à prix fixe, de toutes les marchandises,*"<sup>7</sup> one of the important mottoes of Aristide Boucicaut, the founder of Au Bon Marché, found its realization in Japan by the forerunners of department stores about 170 years before the foundation of Au Bon Marché.

*Departmental organization* was introduced by Mitsukoshi in 1904. To show the years of departmentization of some stores just for the sake of comparison, 1899 is the year for Whiteley, 1907 that for Selfridge and 1900 that for Hermann Tietz, Berlin.

In view of these facts relative to the history of Japanese department stores set forth above and of some peculiarities thereof to be dealt with later, the author believes that some selected information about present-day

<sup>4</sup> Depato Shimbunsha, *op. cit.*

<sup>5</sup> Given by Mr. M. Acton of Harrods.

<sup>6</sup> Dr. Wernicke however maintains 1907 as the year of Harrods' departmentization.

<sup>7</sup> F. Ambrière, *La Vie Secrète des Grands Magasins*, 1932, p. 21.



Japanese department stores would constitute an interesting subject to scholars as well as businessmen in the civilized countries of the world.

## II. *The Ebb and Flow of Japanese Department Stores*

It may easily be imagined that the Japanese ancient régime, characterized by the feudal system and a seclusion policy, fettered the commercial activities of the pioneering entrepreneurs of Japanese department stores. In principle, without approval on the part of the authorities concerned, they could not carry out a progressive business policy, nor exhibit their marketing and merchandising skill.

The Meiji Restoration (1868) emancipated them to a great extent, but it was not until late at the middle part of the Meiji era, i. e. at about the beginning of this century, that a new start could be made to modernize department stores.<sup>8</sup> The closing of World War I marked the beginning of their expansion.

The great earthquake which destroyed and devastated the eastern part of Japan including the Tokyo and Yokohama area in 1923 was the greatest disaster the district had ever met. The department stores in Tokyo were no exceptions from this disaster. But, such factors as city planning carried out immediately thereafter, the extension and improvement of traffic services in the capital, the construction of store buildings with adequate facilities, and the introduction of new and advanced management methods, paved the way for the great expansion that followed. Looking back, we might say that out of evil came good.

Terminal stores began to appear between 1931 and 1934, just to complete the department stores constellation amongst the urban system of marketing organization. However, cut-throat competition between department stores and independent retail stores was gradually assuming the character of a social problem at about this time. In the face of these difficulties, Japanese department stores established among themselves a so-called self-discipline agreement to restrain aggressive trade methods, such as conducting too frequent bargain sales, opening 'circuit' stores in rural towns, or establishing too many branches in distant localities. In line with this policy generally recognized and supported at that time, government formulated a Commercial Association Law and a Department Store Law, which served, to a certain extent, to regulate the department store business.

World War II, a bad dream as it were to all Japanese, annihilated

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<sup>8</sup> Table 1.

all they possessed. Net sales of department stores declined from 100 in 1938 to 55 in 1944, and to 29 in 1946.<sup>9</sup> These figures are significant as showing a precipitous drop by about one half toward the end of the war, and by about two-thirds during the economic prostration which followed it. The indexes of the ratio of department store sales to national income show even worse figures. According to these, Japanese department store sales declined from 100 in 1938 to 31 in 1944, and to 21 in 1946.<sup>10</sup> A more terrific decline is seen in the sales of textile goods. The indexes for these goods dropped from 100 in 1941 to 31 in 1944, and to 8 in 1946.<sup>11</sup> This was the actual picture of textile goods supplies right after the war in Japan which once boasted of occupying a leading position among the textile goods exporting countries of the world.

As an aside it may be observed that, Japanese experienced their most difficult days in 1946. They were really hobbling and tottering in the very daily livelihood, losing their way of living amidst scorched remains and gloomy shacks. Food shortage and inflation were imminent and drove the people to desperation.

To almost all Japanese, it was like a dream, a thing very hard to believe, that after seven years of difficult days they should find themselves not only alive but also on the way to recovery as seen by sales of department stores, which are nowadays understood to represent the purchasing power of the people at large.<sup>12</sup> The economic status of Japan has now already recovered at least to 56—75<sup>13</sup> as against 100 prior to the war.

At this point, readers are requested to refer to Table 3 for detailed figures regarding the ebb and flow of Japanese department store business. The following will serve as a summary:

Table 4. The War and Japanese Department Store Business as shown by Indexes<sup>14</sup>

	1938	1941	1944	1945	1946	1948	1950	1951
Sales:								
All Commodities	100	104	55	30	29	36	58	69
Ratio to National Income	100	84	31	—	21	36	55	74
Textile Goods		100	31	20	8	15	48	56
Floor Space	100	100	56	43	44	60	68	75
Employees	100	93	33	28	31	43	50	57

<sup>9</sup> Table 3. 5th column from the left.

<sup>10</sup> Table 3. The column at the right extremity.

<sup>11</sup> Table 3. 5th column from the right.

<sup>12</sup> This is why the Department of Trade and Industry has recently begun to take up the business of compiling statistics covering the trade activities of department stores. See footnote to Table 3.

<sup>13</sup> Table 3.

<sup>14</sup> This is a summary of Table 3. For detailed information refer to the same.

Table 3. Ebb and Flow of Japanese Department Store Business, 1938—1951

Year	Department Store Sales		Retail Price Indexes by Bank of Japan (B)	A/B		(U. S. A.)		Textile Goods			Available Floor Space Indexes	Number of Employment Indexes	Ratio of Department Store Sales to National Income	Indexes of Ratio
	Millions of Yen	Indexes (A)				Department Store Sales Indexes (C)	Wholesale Price Indexes (D)	Sales Indexes (E)	Price Indexes (F)	E/F				
1938	642	100.0	100.0	1.00		100.0	97	100.0	100.0	1.00	100.0	100.0	3.32%	100.0
1939	785	122.3	112.0	1.09		106	96	106.5	106.5	1.00	100.0	106.5	3.24	97.6
1940	870	135.5	130.0	1.04		114	97	107.0	107.0	1.00	100.0	107.0	3.16	95.2
1941	876	137.9	131.6	1.04		133	108	108.0	108.0	1.00	100.0	108.0	2.79	84.0
1942	770	118.6	135.5	0.87		150	122	85.4	105.5	0.83	73.8	75.3	2.09	63.0
1943	761	118.6	143.7	0.82		168	128	84.6	108.2	0.78	58.9	56.7	1.71	51.5
1944	573	89.2	160.9	0.55		187	130	34.3	110.0	0.31	56.3	33.6	1.04	31.3
1945	461	71.9	236.6	0.30		207	131	32.2	158.4	0.20	43.1	28.6	—	—
1946	2,760	426.5	1,452.3	0.29		264	151	72.0	953.4	0.08	44.1	31.4	0.72	21.7
1947	10,465	1,628.8	3,911.6	0.41		286	190	213.2	2,167.1	0.10	52.1	38.1	0.93	28.0
1948	27,188	4,231.2	11,473.5	0.36		302	206	1,054.1	7,158.9	0.15	60.0	43.5	1.22	36.7
1949	46,745*	7,274.9	18,669.4	0.38				2,919.4	11,761.6	0.25	67.6	45.4	1.36	41.0
1950	68,743	10,698.3	31,311.9	0.58				6,450.5	13,305.4	0.48	68.0	50.3	1.80	55.1
1951	105,423	16,406.7	723,748.5	0.69				10,713.6	18,971.2	0.56	75.8	57.0	2.34	70.4

Note: Figures dealing with Japanese department stores are based on tables in Nippon Department Stores Association *Annual Report, 1951*. The author is indebted to Prof. Yuzo Yamada, Hitotsubashi University, Prof. Tsuchiya, Managing Director of Tokyo Department Stores Association, and Mr. Nagao, Chief Secretary of Nippon Department Stores Association for the compilation of this table. It should be noted that the figures set forth here are those of the members of NDSA. NDSA had in 1951 70 members with 1,680 million Yen capital stock, 193 stores, 950,580m<sup>2</sup> available floor space, and 40,276 employees. Other than this statistics, Department of Trade and Industry is now, from 1950, compiling statistics covering the trade activities of Japanese department stores having 50 or more employees. To show an instance of comparison, government report of sales in 1951 shows 107,296 million Yen as against 105,423 million Yen shown here. Figures dealing with American department stores are those adapted by the author from *Statistical Abstract of the United States, 1949*, pp. 302, 911.

\* Since Apr. 25, 1949, ¥ 360=¥ 1.

### III. Marketing Through Japanese Department Stores

There were in Japan, according to the interim census of business carried out in 1939, 1,930,385 retail establishments with total sales of 16,408,154, 242 Yen. The following will show the subdivisional 6 groups of retail types under the category mentioned here together with the sales thereof:

Table 5. Japanese Retail Establishments, 1939

Retail Types	Number of Enterprises	Sales, Millions of Yen
Independent Retail Stores	1,198,416	5,423
Department Stores	203	668
Producer-Retailers	362,541	823
Wholesaler-Retailers	186,906	8,124
Consumers' Cooperative Retail Stores and the like	35,849	1,182
Road-Side Traders, Peddlers and the like	146,470	184
Total	1,930,385	16,408

As per Table 5, sales of department stores totaled 668 million Yen,<sup>15</sup> and made up 4% of all retail trade. As regards the *department stores' participation* in all retail sales, there are more recent estimates published by several authorities on the subject,<sup>16</sup> registering 5.7% for 1950, and 15% in the case of 6 big cities and 5% in the case of other smaller cities.

Incidentally, as regards the business location of department stores in Japan, the author finds, from the above figures, that Prof. Clark's argument on American department stores does apply also to their Japanese sisters. It runs: In spite of the fact that they have done only a small proportion of the total retail volume of the country, they do an appreciable part of the retail business in the larger cities, and they have long been the standard against which other stores have measured their own retailing operations.<sup>17</sup>

And still further, Prof. Nystrom's conclusion, regarding the rôle department stores play in marketing field, to the effect that when a retail type of operation such as a department store is established among existing retail stores, its sales' participation percentage will eventually come to stay within a certain range of percentages such as 8—10% as in the case of

<sup>15</sup> This should be considered as the figure of 1938 instead of 1939, and should be compared with 642 million Yen resulting from NDSA members' sales in Table 3, 2nd column from the left.

<sup>16</sup> S. Matsuda, "Department Stores as a Type of Retail Operation", *Department Store Management* (in Japanese).

<sup>17</sup> Clark and Clark, *Principles of Marketing*, 1947, pp. 318—9. With the permission of the MacMillan Company, N. Y.



American department stores,<sup>18</sup> remains still fresh in the author's memory.

At this point it seems to be advisable to quote here a few figures concerning American department stores:<sup>19</sup>

Table 6. American Department Stores, 1939

		Stores	Sales, Millions of Dollars	Employees	Payroll, Millions of Dollars
All Retail Trade	(A)	1,770,355	42,041	4,600,217	4,529
Department Stores of all types	(B)	4,074	3,974	566,052	611
Independent D. S. Chain D. S. combined	(C)	4,043	3,506		
Ratio of B to A			9.4%		
Ratio of C to A			8.3%		

In late years, customers at first-class department stores in Tokyo reportedly number 170,000 or more on a Saturday or Sunday at the end of the year. In December, the banner month for department stores, they customarily expect 2—3 million visitors to each store during the month.

The problem of *functional relations between population and Department stores* was already taken up by, among others, Prof. Doubman.<sup>20</sup> So, it would be redundant to add here more logic on the matter. The author has thought it enough for him just to put forth necessary figures<sup>21</sup> to consider the problem.

Table 7. Population and Department Stores in Japan, 1951

Area	Purchase by Inhabitants per Capita	Available Floor Space for 100,000 Inhabitants
Tokyo	7,274 Yen	4,515 Square Meters
Osaka	12,638	11,743
Kyoto	5,624	6,805
Kobe	5,039	5,256
Nagoya	5,396	5,005
Yokohama	640	498
Average of 6 Cities	7,159	5,758
Other Smaller Cities	2,848	3,408
Grand Average	5,252	4,735

As regards the *merchandise lines* Japanese department stores are handling, Table 8 will show the composition and percentages thereof.<sup>22</sup> They are of wide variety indeed, but are for the main textile goods. As in the

<sup>18</sup> Prof. Nystrom's lecture at Columbia University, which the author attended 1932—3.

<sup>19</sup> *Statistical Abstract of the United States*, 1949, pp. 900, 911—2.

<sup>20</sup> J. R. Doubman and J. R. Whitaker, *The Organization and Operation of Department Stores*, 1927, Chap. I.

<sup>21</sup> NDSA *Annual Report*, 1951.

<sup>22</sup> NDSA *Annual Report*, 1951.

case of American department stores, Japanese stores are prominent in the sale of dry goods.<sup>23</sup> In order to make the Table more useful, the author took the liberty to quote from the work of Mr. Foster, Miss Love and others,<sup>24</sup> who, the author hopes, will be generous enough to permit it.

Table 8. Japanese Department Store Sales by  
Merchandise Lines, 1951

Merchandise Lines	Sales Millions of Yen	Ratio to Total Sales	(U. S. A.) Merchandises	Ratio
Textile Goods	51,527	48.88	Piece Goods and Domestics	6.7
			Women's, Misses', and Juniors' Ready- to-Wear	19.5
			Ready-to-Wear Accessories	19.5
			Men's and Boys' Clothing and Furnishings	10.7
Small Wares, Toilet Goods, Notions and Novelties	20,703	19.64	Small Wares, Toilet Goods, Notions and Novelties	11.3
Home Furnishings	8,711	8.26	Home Furnishings	24.0
Regular Cost Departments	1,377	1.31	Regular Cost Departments	3.3
Miscellaneous	1,568	1.49	Miscellaneous	5.0
Provisions	13,357	12.67		
Refreshment Rooms	1,900	1.80		
Mail-Order Business, Canvassing and the Like	4,126	3.91		
Wholesaling	2,151	2.04		
Total	105,423	100.00		100.00

Of the Japanese consumer's budget, expenditure for provisions occupy 55%, while those for textile goods only 14%. It is therefore interesting to note that Japanese department stores are indeed handling textile goods for the most part, but they are not depriving consumers<sup>25</sup> of their money

<sup>23</sup> "In common practice however, the term (department store) is applied only to stores in which dry goods, apparel, and home furnishings are handled." P. H. Nystrom, *Economics of Retailing*, 1930, Vol. I, p. 125.

<sup>24</sup> Adapted from F. L. Foster, Jr., *Operating Result of Department and Specialty Stores in 1949* (Harvard University Bureau of Business Research Bulletin No. 132), p. 5.

<sup>25</sup> Y. Tsuchiya, "Department-Store Accounting in a New Light of Public Relations", *Present Day Commercial Theory and Practice* (in Japanese), Vol. I, 1952, ed. by Japanese Academy of Commercial Sciences.

so much as could be superficially imagined.

#### IV. *Operating Results of Japanese Department Stores*

One or two of the first concerns of a store operator are the problems of gross margin and expenses. Net profit and net gain are indeed the ultimate aim of the store operator, but this is after all the result of gross margin and expenses. It would be too late to worry at the end of a fiscal term about operating result which were unexpected, appearing in the shape of profit and loss. The capable operator will always use the utmost discretion from the beginning of the term to balance gross margin with total expense so as to expect the right profit and gain at the end of the term.

Before going further into details concerning the problems of gross margin, expenses, etc., let us first try to obtain a *bird's-eye view of the whole field of operating results*. Figures in Table 9 show the actualities learned of a few existing Japanese department stores.<sup>26</sup> Note, however, that the names denoted by alphabets are unrelated with the initials of their real names.

Table 9. Operating Results of Some Japanese Department Stores. First Half Year, 1950

Store		Net Sales	Gross Margin	Total Expense	Net Profit	Depreciation and others	Net Gain
A	Millions of Yen	4,064	721	633	87	37	50
	Per Cent of Net Sales	100.0	17.8	15.6	2.2	0.9	1.2
B		4,681	801	697	104	51	52
		100.0	17.1	14.9	2.2	1.1	1.1
C		931	166	154	12	2	9
		100.0	17.8	16.5	1.3	0.3	1.0
D		368	61	49	12	6	6
		100.0	16.9	13.4	3.4	1.6	1.7

According to Table 9, the gross margin ranges from 16.9 to 17.8 per cent of sales, total expense from 13.4 to 16.5, net profit from 1.3 to 3.4, and net gain from 1.0 to 1.7. These are but a few instances, but they demonstrate the general aspect of operating results of Japanese department stores.

A *total merchandise cost* calculation may be made easily from the Table. By finding the complement of gross margin percentages 16.9—17.8, we obtain the cost figures 82.2—83.1%. These figures are, of course, an

<sup>26</sup> Tsuchiya, *Ibid.*

average. It is said,<sup>27</sup> in the case of fashion goods, fancy goods and the like, the stores will operate on a gross margin higher than the average, reducing the cost percentage as far as 75%. In the case of food and daily necessities, the gross margin will be lower than the average, increasing the cost percentage as far as 89%.

As regards *gross margin*, unlike American department stores, whose figures are 34.9—35.8% in the case of independent department stores, and 35.0—35.85% in the case of group department stores,<sup>28 29</sup> the figures for Japanese stores are generally supposed to be somewhere around 17%, far lower than the American figures. Table 9 too evidences this. The reasons for this striking difference will be made clear to a certain extent later in connection with expenses figures which show also a wide difference between the two countries.

As the gross margin is, as already pointed out, one of the first concerns of a store operator, the author thinks it to be of some value to have here a kind of comparative list of retail gross margins.

Table 10. Comparative List of Retail Gross Margins

Merchandise Lines	X Department Store <sup>30</sup> 1951	Independent Small Business <sup>31</sup> 1951	Per Cent of Sales	
			(Germany) <sup>32</sup> 1937	(England) <sup>33</sup> 1938
Foot-Gear (Japanese)	20.4	26.2		
Books	19.4	13.6	26.5—30.5	25.0
Occidental Dresses (Men's)	18.1	49.2	29.3—31.9	34.5
Haberdashery	20.7	18.5	32.3—35.8	31.5—34.0
Toilet Goods	23.6	16.4	27.9—29.7	24.0—29.0
Stationery	25.3	22.9	33.6—36.8	34.0
Watches		43.4	32.9—39.2	42.0
Shoes		23.6	25.4—26.9	26.0—28.0
Bicycles		30.6	27.9—32.7	36.0
Fruits		23.0	18.9—24.2	27.0

*Total expense* is, in a sense, a source of headache or rationalization policy. But, it is really, at the same time, a key with which one can open the door to profits. This is especially true in this advanced age of cut-throat competition. The following are actual figures obtained from certain

<sup>27</sup> Tsuchiya, *Ibid.*

<sup>28</sup> Foster, Jr., *op. cit.*, p. 25.

<sup>29</sup> The gross margin (Brutto-Aufschlag) of German department stores were 30.6—33.0% in 1937. *Ueberblick*, May 25, 1940, p. 127.

<sup>30</sup> Tsuchiya, *Ibid.*

<sup>31</sup> Tsuchiya, *Ibid.* Institute for Taxpayers Business Management.

<sup>32</sup> Adapted from *Ueberblick*, 8 Jahrgang, Heft 10, 25. Mai 1940, S. 127.

<sup>33</sup> Adapted from J. B. Jefferys, *The Distribution of Consumer Goods*, 1950, Chart IV.



Japanese department stores.<sup>34</sup>

Table 11. Analysis of Total Expenses of Japanese Department Stores. First Half Year, 1950

Store	Items of Expenses	Amount Millions of Yen	Per Cent of Net Sales
A	Payroll	348	8.58
	Traveling Expenses	11	0.29
	Welfare and Education	24	0.61
	Meetings	4	0.11
	Advertising and Publicity	69	1.72
	Reception	17	0.42
	Packing Materials	30	0.75
	Repairs	42	1.04
	Communication	11	0.28
	Insurance	1	0.05
	Light and Fuels	15	0.39
	Other Unclassified	9	0.24
	Rentals	5	0.13
	Taxes	39	0.98
	Losses from Bad Debts	0.6	0.01
	Total Expense	633	15.60
B	Payroll	342	7.34
	General Manager Division	58	1.35
	Secretary Division	136	2.93
	Treasurer Division	85	1.82
	Advertising and Publicity	73	1.51
	Total Expense	697	14.85
C	Payroll	74	8.0
	Supplies	17	1.9
	Repairs	4	0.5
	Taxes and Rates	12	1.3
	Buying and Selling Expenses	32	3.4
	Other Unclassified	12	1.4
	Total Expense	154	16.5

According to Table 11, total expenses range in this case from 14.85 to 16.5% of net sales. As has been said in connection with the gross margin, these are but a few instances, but one may well judge conditions surrounding Japanese department store operating expenses.

In contrast with the Japanese figures, American total expenses amount to 32.2—34.0%<sup>35</sup> showing a striking difference between the two countries. The reasons for this, as well as for the difference in gross margin treated above, may be explained as follows:<sup>36</sup>

1. The system and methods of calculations are different. In other words, Japanese stores exclude such items as depreciation and interest on

<sup>34</sup> Tsuchiya, *Ibid.*

<sup>35</sup> Foster, Jr., *Ibid.*

<sup>36</sup> Tsuchiya, *Ibid.* R. G. Walters and J. W. Wingate, *Fundamentals of Selling*, 1942, pp. 514—5. With the permission of South-Western Publishing Company.

invested capital from total expense, while American stores include these items, which in 1949 were 0.45—0.65 and 1.2—1.25% respectively.<sup>37</sup>

2. Merchandising policies are different. In other words, in the selection of merchandise, American stores put more weight on style goods and the like, which necessarily require more frequent markdowns in the course of salesmanship activities, than is the case in Japanese stores. Or, American stores put more weight on high-grade merchandise, expensive to sell, low in turnover and small in sales volume, which necessitates a higher gross margin.

3. The degrees of industrialization in the two countries are different. In other words, the United States of America is more industrialized than Japan. This fundamental difference in the economic conditions between the two countries explains the following facts: In America, as compared with Japan, production is more advanced through the use of machinery, which reduces the cost remarkably. Mass production is more concentrated in a small area. These circumstances place an additional burden on distribution. The distribution side of the business has to find new markets for the increased output. As a logical consequence, the percentage of distribution cost becomes relatively larger than ever against production cost even though the actual cost of distribution in money remains the same. It is said that, in America, the ratio between production cost and distribution cost is on an average 41 : 59,<sup>38</sup> while in Japan it is generally understood to be on an average 60 : 40.

As per Table 11, *payroll* items are a considerable part of the total expenses :

A	8.58 : 15.60.....	55%	B	7.34 : 14.85.....	49%
C	8.0 : 16.5 .....	48%			
(U. S. A.) Independent Department Stores with Sales of 20 — 50 million Dollars					
	18.45 : 35.8.....	51% <sup>39</sup>			

It is said that the percentage was 40% before the war, but is reaching 60%. As a matter of fact, this constitutes a genuine source of headache on the part of the management. We shall come back to this problem later once again.

In the expense analysis of A department store in Table 11, the item of *advertising and publicity* comes second in the order of the amount spent. It is reported that the cost of advertisements inserted in newspapers by department stores in Tokyo during September, 1950 amounted to 16 million

<sup>37</sup> Foster, Jr., *op. cit.*, p. 25.

<sup>38</sup> Walters and Wingate, *op. cit.*, p. 510. These American professors go further to comment, most pertinently : "Hence in deciding whether the costs of distributing a certain article are too high, we must not consider merely the increase in the *percentage* of distribution cost. We must also consider the increased burden placed on distribution by increased production and by the concentration of production in a small area." p. 515.

<sup>39</sup> Foster, Jr., *Ibid.*

Yen, making up 6.7% of the advertisements carried by these papers. In the order of the amount spent on newspaper advertising, we have following merchandise lines or business lines:

1. Drugs, chemicals and medical-instruments. 2. Theatres. 3. Books. 4. Department stores. 5,.....<sup>40</sup>

*Net profits* shown in Table 11 range from 1.3 to 3.4% as against the American figures, 1.5—3.65%.<sup>41</sup> *Net gain* figures are 1.0—1.7% as compared with the American figures, 3.8—6.25% which are those before federal income taxes are paid.<sup>42</sup>

### V. Japanese Department Stores, Present and Future

In concluding the present report, some aspects characterizing Japanese department stores today and tomorrow warrant a few words:

1. *Polytype Stores* Japanese department stores are now being operated mostly under very able executives. Most of these are graduates of universities. Almost every leading department store has among its staff several executives once sent to U.-S. A. and other countries to investigate or study the most advanced business types and methods, that had just come out there.

Nowadays, Japanese department stores operate not only the original genuine type of department stores for the most part, but also other types of stores. Some of these are on a department-store chain basis. Even the voluntary chain types or supermarket types are finding their domiciles under the roof of department stores. What is more, they resort to almost all kinds of sales methods, such as mail-order business, installment selling, canvassing, and sales on credit, to obtain an advantage.<sup>43</sup>

In view of these facts, it may be said that Japanese department stores are, in a sense, really *polytype stores*, if the author be allowed to introduce a new word.

2. *Amusement centers* Questionnaires answered from 464 men and women in Tokyo once revealed that such factors as variety in goods (22.2%), reliability in salesmanship (18.6), reasonable and moderate prices (18.1), convenient location (11.6), ease in shopping (9.0), pleasant atmosphere (8.2) and good quality (8.0) were attracting customers to department stores.

Japanese department stores are attracting not only women but also men and children. The argument advanced by American professors,<sup>44</sup> "Men

<sup>40</sup> Matsuda, *Ibid.*

<sup>41</sup> & <sup>42</sup> Foster, Jr., *Ibid.*

<sup>43</sup> Hirai, *Ibid.*

<sup>44</sup> P. D. Converse and H. W. Huegy, *The Elements of Marketing*, 1946. p. 345.

dislike crowded aisles and slow elevators and do not want to spend as much time as women do in shopping." certainly applies to Japanese stores, too, to a certain extent, but there can always be seen numbers of men and children jostling in these stores to the amazement of sightseers from abroad.

People commonly take to them as to public parks, permitting free access to all kinds of attractive accommodations, furnished by the exercise of elaborate capitalistic minds. A recent feature of Japanese department stores is to hold frequently various kinds of exhibitions, side-shows and other entertainments mostly free of admittance charges. Verily, Japanese department stores are, in a sense, amusement centers for the Japanese populace at large.

3. *High Turnover, a Panacea* Japanese department store executives are now much concerned in cutting down the percentage of *payrolls*, which amounted to 7.34—8.58 in 1950 as shown in Table 11. If this proves to be actually impossible, they will at least try to satisfy themselves with just stopping the increase in the percentage.

As shown in Table 3, the available floor space index recovered to 75 in 1951 as compared with 100 in 1938, while the employees index recovered only to 57. This unbalance between space and employees will be understood more clearly by stating that, while space per employee was 17m<sup>2</sup> in 1938, it was 23m<sup>2</sup> in 1951.

Japanese department store management is very reluctant to increase the number of employees, who make it a rule to demand higher wages through the threat of strike at least twice a year, June and December, the months when bonuses are distributed. This attitude on the part of the management will obstruct the expansion of available floor space, for the number of square meters per employee may become another source of labor disputes.

Under these circumstances, how will they find their way out? The only way is maximum employment of both space and employees, by enhancing the rate of stock turnover.

Incidentally, the payroll of Japanese department store employees is far greater than the average, to say nothing of government officials. But they are going to gain more ground, whilst securing the inch already acquired. Two recent labor disputes, at Mitsukoshi and Takashimaya, evidence this fact to the fullest extent.

Aristide Boucicaud, the founder of Au Bon Marché, increased the turnover rate from, then prevailing, 0.5 to 6.<sup>45</sup> The turnover of American department stores was 4.4 in 1949.<sup>46</sup> Now, Japanese department store leaders are exerting their utmost efforts to increase the turnover from the pre-war

<sup>45</sup> Ambrière, *op. cit.*, pp. 22—3.

<sup>46</sup> Foster, Jr., *op. cit.*, p. 6.



figure of 8.4 to 20 or 24.<sup>47</sup>

4. *Merchandise Exchange Check (Gutschein), as good as Cash in and out of the Store* In 1951, Japanese department stores issued, or more pertinently sold, 2,377 million Yen of merchandise exchange check making up 2.26% of sales.<sup>48</sup>

The check is a document by which a store promises to deliver any merchandise in hand in exchange therefor to an amount designated on the document. As it is only convertible into goods in the store, or its affiliated stores, issuing the same, the sale of the checks is equivalent to the sale of goods, the price of which is being paid in advance. In other words, the store holds the goods already sold under custody.

Japanese are rather fond of making presents. It is commonly understood to agree more with Japanese etiquette to make a present with a check rather than with unveiled cash. This seems to be the main reason for the popularity of this document among Japanese people.

At present, Japanese department stores welcome this usage, but on the other hand they complain a little of the high rate of local taxes, the maximum of which is fixed presently at 10%, and of the expenditure involved in manufacturing checks and in doing business that follows their sales. They also feel a kind of menace in the appearance of gift-checks issued by banks free of taxes for the same purposes. Some day in the near future, the management of stores will have to consider an adjustment between these two kinds of checks.

To add still a few words at the end of this report, among problems such as 1. the adoption of a merchandising plan which will stress trademarked merchandise, 2. department-store chains, 3. establishment of branch stores, notably suburban stores, 4. acquisition of stores in other cities, 5. basement stores, 6. leased department, mentioned by American professors<sup>49</sup> in connection with the present and future status of American department stores, 2, 3, 4, and 5 seem to have sufficient possibilities in Japan, in the future as well as at present, as to claim careful thought on the part of Japanese department store operators.

<sup>47</sup> Matsuda, *Ibid.*

<sup>48</sup> NSDA *Annual Report*, 1951.

<sup>49</sup> H. E. Agnew, H. A. Conner, and W. L. Doremus, *Outlines of Marketing*, 1950, pp. 105. 111—2.

Clark, *op. cit.*, pp. 329—30.

# THE WILL IN PRIVATE INTERNATIONAL LAW OF JAPAN

By IWATARO KUBO

*Professor of Private International Law*

## I. *Introductory*

The "Hōrei" or "Law concerning the Application of Laws in General," which is the private international law code of Japan, was promulgated on 21 June, 1898 as Law No. 10 and took effect on 16 July of the same year. With the exception of a few minor subsequent changes, it has continued down to the present day in its original form. This law was early translated into English by Dr. Lönholm<sup>1</sup> and into German by Dr. Niemeyer,<sup>2</sup> while it was given a brief introduction in French by Dr. Yamada<sup>3</sup> and presented in book form in English by de Becker.<sup>4</sup> In addition, there has recently appeared an English translation by the Attorney General's Office.<sup>5</sup>

This law, like the "German Private International Law in the Introductory Law to the Civil Code", was based on the Gebhard Draft and served as a model for the "Law concerning the Application of Laws in General" of China. As providing material for the study of comparative law, it has frequently been cited and criticized by European scholars, although not all of their observations seem to be justified. This paper aims at a brief introduction of the subject of wills and hopes to provide material

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<sup>1</sup> L. Lönholm, *The Civil Code of Japan* (1989), pp. 306—313.

<sup>2</sup> Th. Niemeyer, "Das internationale Privatrecht in Japanischen Zivilgesetzbuch," *Niemeyer's Zeitschrift für internationales Recht*, XI (1902), pp. 197—204; Makarov, *Die Quellen des internationalen Privatrechts* (1929), pp. 83—87.

<sup>3</sup> S. Yamada, "Le droit international privé au Japon," *Journal du droit international*, XX VIII, 1901, pp. 632—643; "Droit international privé du japon," *Repertoire de droit international*, VI, 1930, pp. 533—546.

<sup>4</sup> J. E. de Becker, *International Private Law of Japan* (1919).

<sup>5</sup> The Attorney General's Office, *The Civil Code of Japan* (1951), Appendixes pp. 1—6.

for critical analysis.<sup>6</sup>

In substantive law a will often calls to mind a legacy; and not only are will and legacy frequently confused, but it has become customary to treat of wills in conjunction with inheritance. A legacy, however, is an act whereby property is given under a will without compensation and is not to be confused with a will, which is merely an expression of intention. Acts which may be done by will are classified below:

Acts coming under Law of Inheritance

Removal and its revocation of heir presumptive (Art. 893, Art. 894 Par. 2).

Designation of method of distribution of inheritance, delegation of such designation, and restriction of distribution (Art. 908).

Modification of responsibility for legal guaranty incident to distribution of inheritance (Art. 914).

Legacy (Art. 964; see German Civil Code, Art. 2147).

Appointment of executor and delegation of such appointment (Art. 1006; see German Civil Code, Art. 2197 and Art. 2198).

Limitation of legacy deduction (Art. 1034).

Acts coming under Family Law

<sup>6</sup> Art. 26 of the "Hörei," which provides for testaments, has been rendered by the four translations following. Translation by Lönholm is as follows:

"The existence and the effect of a will are governed by the law of the nationality to which the maker of the will belongs at the time of its making.

The revocation of a will is governed by the law of the nationality of the maker at the time of revocation.

Notwithstanding the provisions of the preceding two paragraphs, the law of the place where the act is done may be followed as to the forms of a will." (p. 312).

Translation by Niemeyer is as follows:

"Das Bestehen und die Wirkung einer letztwilligen Verfügung bestimmt sich nach dem Heimatrecht des Erblassers zur Zeit der Errichtung.

Der Widerruf einer letztwilligen Verfügung richtet sich nach dem Heimatrecht des Widerrufenden zur Zeit des Widerrufs.

Unbeschadet der Bestimmungen der beiden vorhergehenden Absätze kann auf die Form der Verfügung das Recht des Ortes angewendet werden, wo die Willenserklärung abgegeben wird." (Niemeyer's *Zeitschrift*, p. 202; Makarov, p. 86).

Walker's translation is as follows:

"Der Bestand und die Wirkung eines letzten Willens bestimmen sich nach dem Gesetze des Landes, welches zur Zeit der Errichtung das Heimatland des Erblassers war.

Der Widerruf eines letzten Willens bestimmt sich nach dem Gesetze des Landes, welches zur Zeit des Widerrufs das Heimatland des Erblassers war.

Die Bestimmungen der vorgehenden zwei Absätze hindern nicht, dass in bezug auf die Form des letzten Willens dem Gesetze des Ortes der Handlung nachgegangen wird." (Walker, *Internationales Privatrecht*, 4th ed. p. 827, note 7).

Translation by the Attorney General's Office is as follows:

"As regards the formation and effect of a will, the law of the home country at the time of its formation governs.

The revocation of a will is governed by the existing law of the home country of the testator.

The provisions of the preceding two paragraphs do not prevent the law of the place of the act being followed as regards the form of a will." (Appendixes p. 5).

Recognition of a child (Art. 781 Par. 2; see Swiss Civil Code, Art. 303 Par. 2).

Appointment of guardian (Art. 839; see German Civil Code, Art. 1777 Par. 3).

Appointment of guardian supervisor (Art. 848).

Besides the acts enumerated above, endowment (Art. 41 Par. 2; see Swiss Civil Code, Art. 81 Par. 1; German Civil Code, Art. 83) and trust (Law of Trusts, Art. 2 and Art. 49) may also be executed by will.

Wills should therefore be considered not only in relation to inheritance but from a more extensive standpoint. It is to be noted, moreover, that a will represents a particular type of expression of intention and is not in itself a juristic act. Much of the confusion found in the treatment of wills seems to be attributable to overlooking this essential difference.

The problem of expression of intention (that is, the problem peculiar to wills) and the problem of juristic acts based on wills (that is, the problem of juristic acts having as an essential element the intention expressed in a will) constitute two entirely different problems. The treatment of these problems in the substantive law seems to be reflected in a general way in the treatment within the conflict of laws. It will be convenient here to limit this study to Japanese law and to proceed from an investigation of the treatment of the problem in the substantive law to an investigation of the treatment under the conflict of laws.

We will first consider the Japanese Civil Code with regard to the expression of intention in wills. First, the *formation* of a will. Regardless of the contents of the will, the capacity to execute a will is possessed by any person attaining the full age of fifteen years whether that person be a minor, interdict, or quasi-incompetent, provided however that such person is capable of an intelligent exertion of will (Art. 961 and Art. 962). Expressions of will attended by coercion or fraud are regulated by a uniform provision (Art. 96). The forms of will uniformly recognized in usual cases are holographic documents, notarial documents and secret documents (Art. 967—Art. 973) with special forms being uniformly provided in special cases (Art. 976—Art. 982). The intention expressed in a will is interpreted as being established at the time of execution of the will. Next comes the problem of the *effect* of a will. Without regard again for the contents of the will, a will comes into force with the death of the testator (Art. 985), and its adequacy to be a juristic act is established with the extinction of the right to revoke (see Art. 1022). In the substantive law, therefore, the formation and effect of an expression of intention in a will (that is, the will viewed as an expression of intention) are both treated in a uniform manner without regard being had to the specific contents of the will.

On the other hand, the treatment of juristic acts having as an essential



element the intention expressed in a will shows great variations depending on the content of the will and is far from being uniform. Recognition of a child by will becomes established as a juristic act through formal notification by the executor after the death of the testator, at which time the parent-child relation intended by the testator takes effect retroactive to the time of birth of the child (Art. 781, Art. 784 and Family Registration Law, Art. 64)<sup>7</sup>. Adoption by will becomes established as a juristic act when, after the death of the testator, assent is given by the child to be adopted or by some person authorized to do so in its stead and formal notification of adoption is made by the executor, at which time the parent-child relation in adoption takes effect retroactive to the time of death of the testator (Old Civil Code, Art. 848 and Old Family Registration Law, Art. 91). A trust by will becomes established as a juristic act when, after the death of the testator, the person appointed as trustee makes known to the executor his intention to accept same, at which time the trust takes effect retroactive to the time of death of the testator (Law of Trusts, Art. 2 and Art. 49; Civil code, Art. 985). The removal of an heir presumptive by will takes effect with the operation of a judgment for removal rendered on a petition for removal submitted by the executor, the effect being retroactive to the time of death of the testator (Art. 893 and Art. 985; Family Registration Law, Art. 97). Legacies (Art. 964), designation by will of portions to be inherited (Art. 902), and appointment of guardian by will (Art. 839) are already established as juristic acts at the time of making the will and take effect with the death of the testator (Art. 985). With regard, therefore, to juristic acts having as an essential element the intention expressed in a will (that is, a will viewed as a juristic act), the conditions and inception of their existence differ with variations in content. The content and time of taking force of the effect show similar variations, with no indications at all of any uniformity.

Turning now to the provisions relating to the conflict of laws, we see that with regard to expression of intention in a will there is only one article to be found, namely Art. 26 of the afore-mentioned "Hōrei." Par. 1 provides that "the formation and the effect of a will are governed by the law of the home country of the testator at the time of its formation," thus laying down a uniform rule and paying no heed to the content of the will. Par. 2 uniformly provides that regardless of the content of the will to be revoked, "the revocation of a will is governed by the law of the home

<sup>7</sup> Tamakichi Nakajima, *Commentary on the Civil Code*, Vol. 4, *Family Law* (in Japanese, 1937) p. 513. But the prevailing doctrine has it that a recognition of a child takes effect simultaneously with the decease of the testator without necessitating formal notification. See Shigeto Hozumi, *Family Law* (in Japanese 1933), p. 457 and Zennosuke Nakagawa, *Outline of the Civil Code (Family Law, Law of Inheritance)* (in Japanese 1950), pp. 97-98.

country of the testator at the time of revocation." Par. 3 provides for the form as follows: "The provisions of the preceding two paragraphs do not prevent the law of the place of the act being followed as to the form of a will."

For those juristic acts mentioned above, however, which are recognized as capable of being based on a will, we find that several articles have been provided and that the treatment differs according to the content of the juristic act. As to recognition of a child, Art. 18 of the "Hōrei" provides that the requisites of such act shall be governed for each party by the law of the home country of that party and that the effect shall be governed by the law of the home country of the party making recognition. As to adoption, Art. 19 of the "Hōrei" provides that the requisites of such act shall be governed for each party by the law of the home country of that party and that the effect shall be governed by the law of the home country of the adoptive parent. As to juristic acts relating to guardianship, Art. 23 of the "Hōrei" provides that in all cases the law of the home country of the ward shall be followed. As to juristic acts relating to the law of inheritance, Art. 25 of the "Hōrei" provides that in all cases the law of the home country of the deceased shall be followed. Juristic acts coming under the law of property have been specially provided for in Art. 7 and Art. 10 of the "Hōrei." As to the form of the juristic act, Art. 8 of the "Hōrei" provides as follows: "The form of a juristic act shall be governed by the law which determines the effect of such act" (Par. 1). Notwithstanding the above paragraph, a form in accordance with the law of the place of the act shall be valid,....." (Par. 2).

The brief examination above of juristic acts capable of being done through a will has made clear that a will does not necessarily concern itself exclusively with acts relating to status. A will, however, may be considered as an act relating to status in view of the fact that (1) the law of wills was based on a desire to respect the intentions of the testator and came into existence as a law relating to status, (2) a will often touches upon facts relating to status, and (3) many statutes have relaxed the capacity of the testator to a level below that of juristic acts relating to property.<sup>8</sup>

## II. Testamentary Capacity

By testamentary capacity is meant the legal capacity to make a valid will. The laws of many countries make a distinction between this capacity and the capacity to undertake acts relating to property and lay it down that

<sup>8</sup> Zennosuke Nakagawa, *Outline of the Law of Status* (in Japanese 1930), p. 274.

if there exists the capacity to exert the will intelligently, all persons attaining a certain age are qualified to make a valid will (Austrian Civil Code, Art. 569—14 years of age; German Civil Code, Art. 2229 and the French Civil Code, Art. 904—16 years of age; Swiss Civil Code, Art. 467—18 years of age). The Japanese Civil Code provides in Art. 961 and Art. 962 that all persons attaining the age of fifteen years, regardless of whether that person is a minor, interdict, or a quasi-incompetent and irrespective of the content of the will, may execute a valid will.

There is no direct reference in the "Hōrei" to this testamentary capacity. However, as we have termed a will an act relating to status, it would be proper to interpret the testamentary capacity also as a capacity to perform an act relating to status. Therefore, just as the capacity to perform acts relating to status, such as the capacity to marry, to recognize a child, and to adopt are included as an essential element of the requisites for the existence of such acts (for example, the "Hōrei" Art. 13 Par. 1, Art. 18 Par. 1 and Art. 19 Par. 1), it is proper to view the testamentary capacity as included in the requisites for the formation of a will. The testamentary capacity, therefore, is to be interpreted as coming under the "formation of a will" as provided in Art. 26 Par. 1 of the "Hōrei" and as being governed by the law of the home country of the testator at the time of making the will. Accordingly, in cases where there is a change in nationality following the formation of a will, a will executed by a person possessing testamentary capacity under the law of the old home country is not affected by the law of the new home country declaring such person not to possess testamentary capacity. Again, a will executed by a person not possessing testamentary capacity under the law of the old home country is not affected by the law of the new home country declaring such person to possess testamentary capacity.<sup>9</sup>

<sup>9</sup> J. E. de Becker, *International Private Law of Japan*, p. 147; Iwatato Kubo, "The will in Private International Law" (in Japanese, 1937), *The Journal of International Law and Diplomacy* Vol. 36, Nos. 2, 4 and 6; Reprint pp. 13—20; *Outline of Private International Law* (in Japanese, 1946), p. 270; Masao Sanekata, *Outline of Private International Law* (in Japanese, 1942), pp. 386—388; Hidebumi Egawa, *Private International Law* (in Japanese, 1950), pp. 321—322; Taro Kawakami, *Lectures on Private International Law* (in Japanese, 1952), p. 167. Art. 26 Par. 1 of the "Hōrei" and Art. 21 Par. 1 of China's "Law concerning the Application of Laws in General" are generally similar, but it is doubtful whether Art. 24 Par. 3 of "The Introductory Law to the Civil Code of Germany" should be submitted to a similar interpretation. See Raape, *Staudingers Kommentar zum Bürgerlichen Gesetzbuch und dem Einführungsgesetz*, VI. Band, *Einführungsgesetz 2 Teil*: Art. 7—31, pp. 641, 666; Frankenstein, *Internationales Privatrecht*, IV, p. 425. The laws of the following countries adhering to the principle of law of domicile are similar to one another: Argentine Civil Code, Art. 3646, Paraguay Civil Code, Art. 3611, and the Swiss Statute relating to Civil Rights of Persons Domiciled and Sojourning, Art. 7 Par. 4. Further see Cheshire, *Private International Law*, 3rd ed., p. 681; Wolff, *Private International Law*, 2nd ed., p. 582.

On the other hand, the "Hōrei" provides that the capacity to perform a juristic act relating to property, regardless of whether that act pertains to a real right or a right in personam, is to be viewed as an legal independent relation set off from the other elements comprising a juristic act and is to be governed by the law of the home country of the respective parties at the time of the act ("Hōrei," Art. 3 Par. 1; see German Introductory Law to the Civil Code, Art. 7 Par. 1; Polland's Private International Law, Art. 1 Par. 1). The capacity to perform a juristic act relating to status, however, is governed by the proper law for fixing the requisites of an execution of an act relating to status, which proper law is to be determined on the basis of the content of the respective acts. For example, capacity to recognize a child is governed by the law of the home country of the person making recognition at the time of recognition or, in the case of recognition by will, at the time of death (Art. 18 Par. 1 of the "Hōrei"); capacity to adopt is governed by the law of the home country of the adoptive parent at the time of adoption or, in the case of adoption by will at the time of death (Art. 19 Par. 1 of the "Hōrei"); and capacity to execute juristic acts relating to inheritance is governed by the law of the home country of the testator, that is the person being inherited from, at the time of his decease (Art. 25 of the "Hōrei"). When a juristic act is made through a will, therefore, the result is that two different laws are applied in respect of capacity. Supposing now that a sixteen-year old German domiciled in Japan makes a will adopting a Japanese and after making such will acquires Japanese citizenship and dies sometime before 1948 as a minor under 20 years of age, his capacity to make a will will be regulated by Art. 2229 of the German Civil Code and the will therefore be valid (the "Hōrei" Art. 26 Par. 1); but the capacity to adopt will be governed by Japanese civil law (old Civil Code Art. 837) in accordance with the provisions of Art. 19 Par. 1 of the "Hōrei," as a result of which the formal notification of adoption will not be accepted as the same article provides that a minor does not possess the capacity to adopt. Even in the event that the formal notification is accepted by mistake, it will be voidable (old Japanese Civil Code, Art. 849, Art. 852 and Art. 853). The most complicated case is that of a legacy, which constitutes a unilateral act. In a legacy, too, the capacity to make a will is governed by the law of the home country of the testator at the time of making the will (the "Hōrei," Art. 26 Par. 1), while the capacity to perform an act coming under the law of inheritance is governed by the law of the home country of the testator at the time of decease (the "Hōrei," Art. 25). Thus, if a fifteen-year old Japanese provides for a legacy in a will and then dies after acquiring Swiss citizenship, the will itself will have been validly executed even if the testator be under eighteen years of age as this point will be governed by Japanese civil law



(Art. 961), but there remains the problem of whether or not as a legacy it will be considered as a juristic act executed by one having capacity thereunto. If Art. 467 of the Swiss Civil Code be interpreted as regulating only the capacity to dispose of property affecting the inheritance, it must be considered as specifying the capacity to perform acts relating to inheritance; and the afore-mentioned act will then be deemed an act performed without the capacity to do so and will have to be governed by Art. 469, Art. 519 and Art. 521 of the Swiss Civil Code (the "Hōrei," Art. 25).<sup>10</sup>

### III. *Marred Will*

When a will is made under mistake, fraud, or coercion, there arises the problem of the effect upon the will itself. On this point Art. 6 Par. 2 of the German-Austrian Inheritance Treaty specifies that the law of the home country of the testator at the time of making the will shall govern. Art. 24 Par. 3 of the German Introductory Law to the Civil Code has also been given this interpretation.<sup>11</sup>

The problem of a marred will is but the problem of the execution of a valid expression of will, that is, a will which is not marred by any defects. The fact that Art. 95 and Art. 96 of Japan's Civil Code, which relate to expression of will in general, provide uniformly for marred will in connection with the problem of valid execution indicates that the problem of marred will belongs to the problem of execution of a valid expression of will. Therefore, in private international law, too, it should be interpreted as being comprised under Art. 26 Par. 1 of the "Hōrei" which provides uniformly for the formation of wills in general, and consequently as being governed by the law of the home country of the testator at the time of

<sup>10</sup> The great difference found among scholars upon the question of whether to take the time of formation of the will or the time of death as the decisive time point would seem to be attributable to the fact that the problem of the will as an expression of intention and the problem of the will as a juristic act have not been clearly distinguished.

<sup>11</sup> Zitelmann, *Internationales Privatrecht*, II, pp. 171—, 971 note; Raape, *Kommentar*, p. 670, *Internationales Privatrecht*, 3rd ed., p. 270. There are, of course, those who hold to the proper law as regards inheritance, that is, to the law of the home country of the testator at the time of his decease. Kahn, *Abhandlungen zum internationalen Privatrecht*, II, p. 208; Lewald, *Das deutsche internationale Privatrecht*, p. 318. This latter theory, it seems, does not make a clear distinction between the problem of the expression of intention by the will and the problem of the juristic act made through the will.

making the will.<sup>12</sup>

#### IV. *Effect of a Will*

The next problem to be considered in conjunction with the problem of testamentary capacity and marred will is the effect of a will. This problem of the effect of a will is to be interpreted as the effect of the intention expressed in a will in the same sense that testamentary capacity and marred will were considered above as being capacity and marred will with reference to a will as an expression of intention, that is, to the intention expressed in a will. This effect of the intention expressed in a will is the effect which is recognized uniformly for all wills regardless of their respective contents and signifies the problem of the binding force of a will and its adequacy to be a juristic act and the starting point of its existence. This effect which a will as an expression of intention uniformly possesses without regard to the content of the will must also be given uniform treatment without regard for the content of the will in the sphere of private international law. Art. 26 Par. 1 of the "Hōrei" declares in general terms that "the formation and effect of a will shall be governed by the law of the home country of the testator at the time of its formation"; this effect, therefore, may be interpreted as signifying the effect of a will viewed as an expression of intention. Accordingly, the effect of a will is governed by the law of the home country of the testator at the time of making the will and is not in any way affected by the testator's change of nationality subsequent to the formation of a will.<sup>13</sup>

In contrast to this, the effect of a juristic act supported by an expression of intention in a will, that is, the effect of a will viewed as a juristic

<sup>12</sup> Kubo, *aforementioned paper*, p. 21. *Outline*, p. 271; Sanekata, p. 390; Egawa, p. 167. For example, if a Japanese acquires Swiss citizenship after making a will under coercion and dies as a Swiss citizen after three years have elapsed since removing himself from the influence of the coercion, the will according to Swiss civil law would be deemed as expressing a marred will (Art. 519 Par. 1 Sub-par. 1), which marred will, however, would be validated by the passing of at least one year after removal of oneself from such influence, thus making the will valid (Art. 469 Par. 2). In this case, however, the Japanese civil law would be the proper law, and the heir accordingly would be in a position to annul the will (Art. 96, Art. 120, Art. 126).

<sup>13</sup> Kubo, *aforementioned Paper*, pp. 41—50, *Outline*, pp. 271, 272; Sanekata, pp. 389—391; Egawa, pp. 321, 322; Kawakami, pp. 164, 165, 170. J. E. de Becker also takes the same view but adds that recognition must be withheld if it is prejudicial to public order or to good morals notwithstanding as validity under the law of the home country of the testator at the time of making the will. As far as the meaning of the words is concerned, this interpretation is natural and justified, but it seems to be grounded on a confusion of the effect of the intention expressed in a will and the effect of the juristic act executed through a will (pp. 147, 148).

act shows numerous variations depending on the specific content of the will. For example, the effect of a recognition of a child by will is the establishment of a parent-child relation between the parent and the child born out of wedlock; the effect of an adoption by will is the establishment of a parent-child relation between the adoptive parent and the adopted child; and the effect of a legacy or the removal of an heir by will is the transfer of property by will without compensation therefor or the disqualification of the heir. It is specified that the effect of such recognition of a child shall be governed by the law of the home country of the person recognizing (the "Hōrei," Art. 18 Par. 2), that the effect of an adoption shall be governed by the law of the home country of the adoptive parent (the "Hōrei," Art. 19 Par. 2), and that the effect of a legacy or the removal of an heir shall be governed by the law of the home country of the deceased (the "Hōrei," Art. 25). Not only is there no positive ground for distinguishing between such acts executed through a will and the same acts done *inter vivos*, but such discrimination leads to very illogical results. It therefore seems that juristic acts executed through a will should as juristic acts (legal requisites) be governed by the proper law determined by the specific content of the act in question in the same way as the general case.

Consequently, a will as an expression of intention would be governed by the law of the home country of the testator at the time of making the will as determined by Art. 26 Par. 1 of the "Hōrei," while a will as a juristic act would be governed by the proper law as determined by the specific content of the will. If therefore a foreigner makes a will recognizing a Japanese child born out of wedlock and dies after subsequently acquiring Japanese citizenship, the formation and the effect of the will as an expression of intention will be governed by the law of his home country at the time of making the will, that is, by a foreign law (the "Hōrei," Art. 26 Par. 1). If the will is valid according to such law, the will as a juristic act, that is, the juristic act executed through the will will be regulated by Art. 18 of the "Hōrei." The effect of the recognition of a child will therefore be governed by the proper law determined by Art. 18 Par. 2 of the "Hōrei," or in this case the Japanese law, and the parent-child relation will operate from the time of death of the testator (Civil Code, Art. 784). If a foreigner makes a will providing for the removal of an heir and dies after subsequently becoming a naturalized Japanese citizen, the will as an expression of intention will be determined by the law of the home country of the testator at the time of making the will and therefore by a foreign law (the "Hōrei," Art. 26 Par. 1). If the will is valid according to such law, the will as a juristic act for the removal of an heir (that is, the removal of an heir by will) will be regulated by Art. 25 providing for determining the proper law peculiar to a will of such content, and consequently will be governed by

the Japanese law in this case. The effect of disqualification of the heir will therefore act retroactively to the time of death of the testator (Civil Code, Art. 893 and Art. 985; Family Court Law, Art. 9 Par. 1 Item 9, Art. 17, Art. 21 and Art. 23).<sup>14</sup>

### V. *Form of a Will*

Art. 8 of the "Hōrei" provides that "the form of a juristic act shall be governed by the law which determines the effect of such act" (Par. 1) and that "notwithstanding the above paragraph, a form in accordance with the law of the place of the act shall be valid....." (Par. 2). On the other hand, Art. 26 of the "Hōrei" provides that "the formation and effect of a will shall be governed by the law of the home country of the testator at the time of making the will" (Par. 1) (Par. 2 omitted) and that "the preceding two paragraphs do not prevent the law of the place of the act being followed as regards the form of a will" (Par. 3).

The next problem is: Do "the form of a juristic act" of Art. 8 and "the form of a will" of Art. 26 both refer to the same form and do "the effect of an act" of Art. 8 and "the effect of a will" of Art. 26 both refer to the same effect?

It is evident from the literal meaning that "the form of a juristic act" of Art. 8 refers to the form of a juristic act as one of the class of legal requisites, but there exists some doubt as to whether "the form of a will" of Art. 26 refers to the form of a juristic act executed through a will or whether it should be literally interpreted as referring to the form of the expression of intention, a legal fact. If the former, Art. 26 Par. 3 represents a repetition of Art. 8 Par. 2 and is an obvious and superfluous provision.<sup>15</sup> However, Art. 26 Par. 1 is, as frequently noted, concerned

<sup>14</sup> Art. 3645 of the Argentine Civil Code provides that "the law of domicile of the testator at the time of making a will shall govern as to the capacity or incapacity to make a will" and Art. 3646 continues "the contents of a will and its validity or invalidity shall be governed by the law of domicile of the testator at the time of death." If we look upon the former as specifying the proper law as regards expression of intention by will and the latter as specifying the proper law for juristic acts relating to inheritance, the principal class of juristic act executed through a will, we see that although there exists a difference in that one accepts as personal law the law of the home country and the other the law of domicile, both the Argentine law and the Japanese "Hōrei" treat the subject in the same way.

<sup>15</sup> The fact that China's Law concerning the Application of Laws in General has Art. 21 Par. 1 and Par. 2 corresponding word for word with Art. 26 Par. 1 and Par. 2 of the "Hōrei" and yet has not provided for a paragraph corresponding with our Par. 3 is indicative of the view presented here. It also seems that Germany's Law concerning the Application of the Civil Code, Art. 24 last end of Par. 3 indicates support of this position. Similarly, the theories listed under Note 16.



with the legal fact, the expression of intention; and it would therefore be logical to infer that "the form of a will" of Par. 3 following signifies the form of the expression of intention by will, which interpretation would also furnish ground for the existence of this paragraph.

It is evident from the literal meaning that "the effect of an act" of Art. 8 refers to the effect of a juristic act as one of the class of legal requisites, but there is some doubt as to whether "the effect of a will" of Art. 26 refers to the effect of the juristic act executed through a will or whether it should be literally interpreted as referring to the effect of a legal fact, the expression of intention by will. One theory supports the former position and maintains that even the form of a will should be regulated by Art. 8 Par. 1 of the "Hōrei" and consequently should be governed in the first instance by the law which determines the effect of a will, the law of the home country of the testator at the time of making the will; and in the second instance by the law of the place of the act as provided in Art. 8 Par. 2. According to this theory, therefore, Art. 26 Par. 3 of the "Hōrei" is merely a precautionary provision to insure against any possibility of misunderstanding.<sup>16</sup> However, as has been frequently pointed out, Art. 26 Par. 1 provides for the expression of intention, a legal fact; and therefore Art. 8 of the "Hōrei" providing for juristic acts should be interpreted as having no connection with the former article. It is clear from a study of the provisions of the civil law (see Art. 960—Art. 984) that the form of an expression of intention by will is included along with testamentary capacity and marred will in the problem of the existence of an expression of intention and therefore should be governed by the law of the home country of the testator at the time of making the will as coming under the provisions of "the formation of a will" in Art. 26 Par. 1 of the "Hōrei". However, a faithful application of this principle would always require the form of a will governed absolutely by the law of the home country of the testator and in practice might result in cases where it would not be possible to make a will in a foreign country. Art. 26 Par. 3 should therefore be interpreted as an attempt to meet such contingencies and as recognizing an exception (supplementary provision) to the effect that the form of a will as an expression of intention may also be governed by the law of the place of the act. Par. 3 is therefore fully justified in the sense that it provides for application of the principle "Locus regit actum" to the form of the expression of intention of a will, and is by no means a super-

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<sup>16</sup> Saburo Yamada, *Private International Law* (in Japanese, 1934), pp. 684, 685. Hisao Kawabe, *Private International Law* (in Japanese, 1939), pp. 437, 438. Also J. E. de Becker, p. 148. Theories prior to Kubo, *aforementioned paper*.

fluous precautionary provision.<sup>17</sup>

The problem next arises of the mutual relations between the proper law for the form of a will as an expression of intention and the proper law for the form of a will as a juristic act. Considering first a case where the expression of intention of a will forms part of a contract, for example, the case of adoption by will, let us suppose that a foreigner A of A nationality executes a holographic will in accordance with the form prescribed by the law of his country (or the law of the place of making the will) and provides therein for the adoption of a Japanese B. Upon the death of A after becoming a naturalized Japanese citizen, his executor obtains the assent of the Japanese B to the adoption and submits before 1948 a formal notification of the adoption in the form prescribed by the Japanese Family Registration Law (form of juristic act) together with an exemplified copy of the will. Under these conditions, the form of the will would be valid even if it did not comply with the form prescribed by Japanese law as it has complied with the form prescribed by the law of A country, the law of the home country of the testator at the time of making the will or the law of the place of the act (the "Hōrei," Art. 26 Par. 1 or Par. 3). It would also comply with the form prescribed for an agreement of adoption by Japanese law, the proper law (or the law of the place of the act) as regards the effect of this mutual assent called adoption by will (old Civil Code, Art. 848 and old Family Registration Law, Art. 91); the form of this juristic act of adoption would, therefore, also be valid (the "Hōrei," Art. 8 Par. 1 or Par. 2). The same principle applies to cases where the expression of intention of a will represents a unilateral act but still needs some specified requisite or requisites, as in cases of recognition of a child by will. The difficulty lies in those cases where the expression of intention of a will constitutes a unilateral act which does not need any other requisite. Such a case is provided where the expression of an intention by will to leave a legacy becomes of itself a unilateral act of leaving a legacy. In a case where the form of a will leaving a legacy is in accordance with that prescribed by the law of A country, the law of the home country of the testator at the time of making the will, but at variance with that prescribed by the law of country B, the home country at the time of death; there is the problem of whether or not such legacy is valid. Let us consider a case where a Japanese leaves a legacy by holographic will as recognized by Japanese law and subsequently acquires Swiss citizenship and dies as a Swiss citizen. What if there is no indication of the place where the will was made and that as a result the will does not comply with the form prescribed by Swiss

<sup>17</sup> Kubo, *aforementioned paper*, pp. 62—68, *Outline*, pp. 273, 274; Sanekata, pp. 393, 394; Egawa, pp. 322, 323; Kawakami, p. 167.

civil law (Art. 505)? In the first place, this will is valid under the civil law of Japan (Art. 968), that is, the law of the home country of the testator at time of making the will; allowing, therefore, for the fact that the will does not comply with the form prescribed by the Swiss civil law, the law of the home country at the time of death, the form of the expression of intention of the will is still valid (the "Hōrei," Art. 26 Par. 1). Next, there is the problem whether the form of this legacy could be declared invalid on the ground that it does not comply with the form prescribed by the Swiss civil law, the law of the home country at the time of death. The solution of this problem, however, will depend on whether the provision of the Swiss Civil Code regulating the form (Art. 505) refers to the form of the will as an expression of intention or to the form of the will as a juristic act, that is, to the form of a legacy. If we assume that the provision of the Swiss Civil Code applies to the form of the expression of intention of the will and not to the form of the juristic act, in this case the legacy, then the legacy will not be bound by any form and will in this respect, too, be valid. If, on the contrary we assume that the provision governs the form of juristic acts, then the legacy will become one lacking the legally prescribed form (the "Hōrei," Art. 8 Par. 1).<sup>18</sup> Supposing that a Chilean woman made in Chile a holographic will providing for a legacy and then died after subsequently marrying a German and acquiring German citizenship, the will as an expression of intention would not comply with the form prescribed by Chilean law, which does not recognize holographic wills. The will, therefore, would be void for lack of form (the "Hōrei," Art. 26 Par. 1 and Par. 3); and the problem would not arise of whether or not as a juristic act it had complied with the form prescribed by German law, the proper law as regards wills, in this case legacies (the "Hōrei," Art. 8 Par. 1).<sup>19</sup>

## VI. Conclusion

This paper has made clear in the first place that among those wills vaguely referred to by that name there are two different classes, wills as an expression of intention (that is, the expression of intention itself of a will) and the will as a juristic act (that is, a juristic act supported by an expression of intention of a will); and furthermore that theoretically they must be clearly distinguished and treated accordingly in view of the great

<sup>18</sup> Kubo, *aforementioned paper*, pp. 68—72

<sup>19</sup> Raape, *Kommentar*, p. 668.

difference in their respective characteristics. Next, legislation in the field of Japanese private international law has made a clear distinction between the two types of wills and in this respect is theoretically a superb piece of legislation. It is to be regretted however that this distinction has not been adequately recognized.<sup>20</sup> Art. 26 of our "Hōrei" has regard to a will as an expression of intention, that is, to the expression of intention of a will. Par. 1 specifies the proper law for the formation and effect of a will and provides that testamentary capacity, marred will, and form of the will, (these are problems connected with the formation of a will,) and the binding force of the expression of intention of a will, adequacy to be a juristic act, and the commencement of such adequacy, (these are problems connected with the effect of a will,) shall be governed by the law of the home country of the testator at the time of making the will. Par. 2 designates the proper law for the revocation by will of a will as an expression of intention and provides that this shall be governed by the law of the home country of the testator at the time of revocation. Explanation of this point has been omitted. The form of a will as an expression of intention and the form of a will revoking another will are in the first instance governed by the law of the home country of the testator at the time of making the will or the revoking will in accordance with the provisions of Par. 1 and Par. 2. Par. 3, as a supplementary provision, expressly provides that compliance with the form prescribed by the law of place of performance of the expression of intention will also make for validity.

With regard to juristic acts supported by an expression of intention in a will, we find general provisions based on the specific content of the will such as Art. 18 (recognition of a child), Art. 19 (adoption), Art. 23 (appointment of guardian), and Art. 25 (juristic acts coming under the law of inheritance); besides these we find Art. 7 (acts based on a right in personam) and Art. 10 (acts based on real rights). Each of these provisions designates the proper law for the respective juristic acts and makes it clear that as juristic acts, there will be no differentiation of treatment made, even when the expression of intention forming a part of these juristic acts is made through a will. It has also been made clear that Art. 8 of the "Hōrei" prescribes the general form for juristic acts. Some tentative views have been advanced with reference to the mutual relations existing between the proper law of a will as an expression of intention and the proper law of a will as a juristic act (that is, a juristic act made through a will).

Lastly, mention should be made of the fact that since a will deals primarily with matters coming under the law of inheritance, treatment of it in the past has generally tied it in too closely with the subject of inheritance. What is called for is a study of wills from a broader standpoint.

<sup>20</sup> Raape, *Kommentar*, p. 673; Frankenstein, IV, p. 497.





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